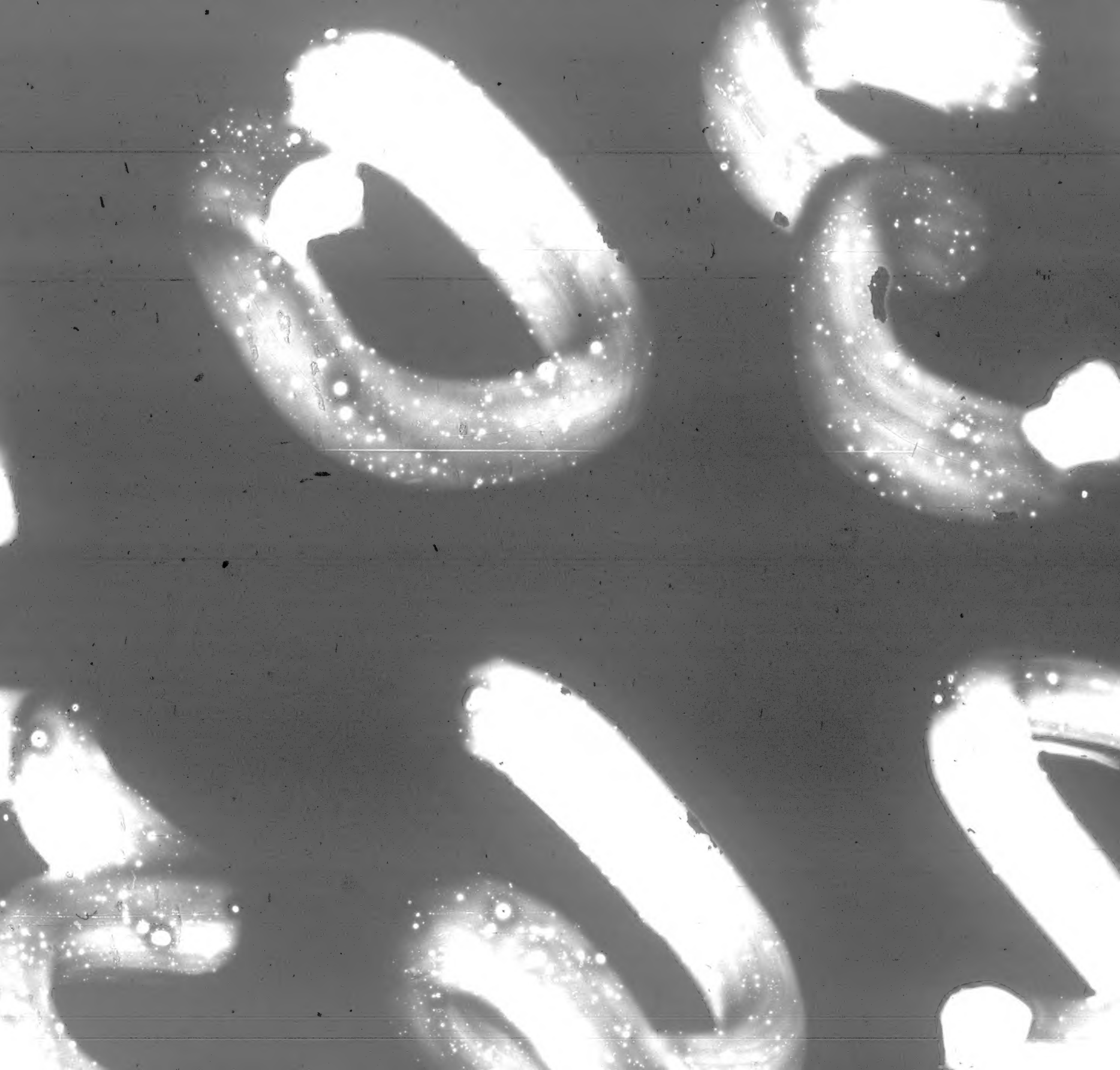
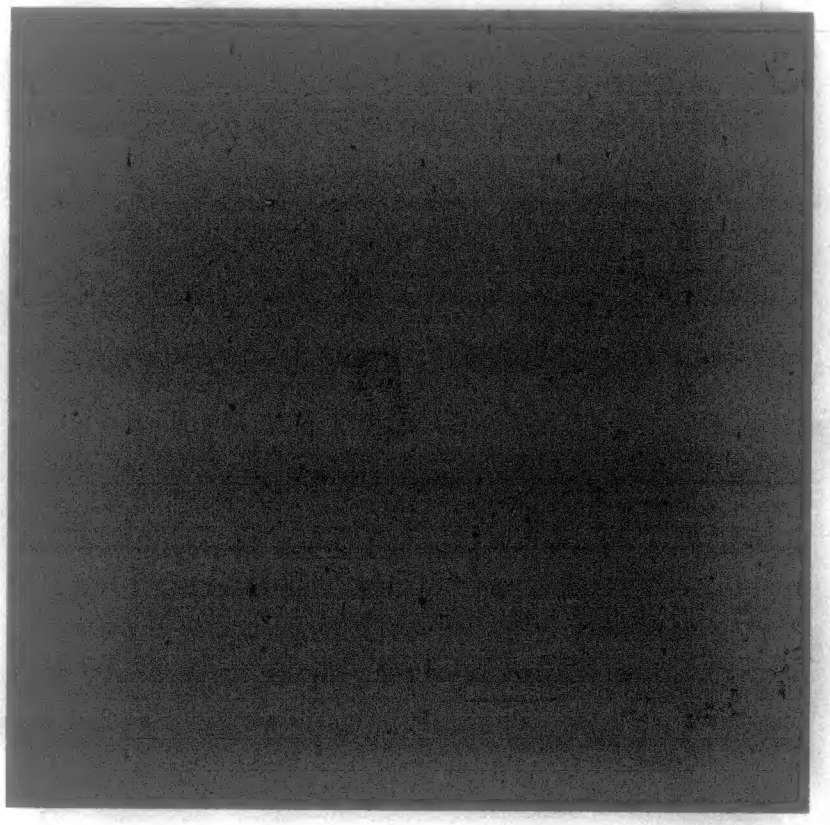


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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 265

CHEROKEE BY BLOOD 10995 - 11132

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1965

Cher 10995

Lorenzo Newton Davis

Trans. from D2770

Cher 10995

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

CHIEF CLERK,
CHEROKEE LAND OFFICE.

DEAR SIR:

The records of this office show Lorenzo Newton Davis

listed on Cherokee card No. 10995

to be prima facie entitled to enrollment as Citz by Blood of the Cherokee Nation for the following reason, viz: His enrollment was directed by the Department in its decision of February 15, 1907

Respectfully,

Dated May 18 1907

Commissioner.

COPY.

Muskogee, Indian Territory, June 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to call the attention of the Department to certain Creek and Cherokee enrollment cases, as follows:

On January 21, 1907, this office submitted to the Department a report in the matter of the application of Serena Bullocks and her three minor children for enrollment as Creek freedmen. In said report, wherein the facts in the case are fully set out, it was recommended that the enrollment of Serena Bullocks, Bessie Harris, Minnie Vincent and Lee Willie Bullocks, as their names appear upon the final roll of Chickasaw freedmen opposite Nos. 1693, 1694, 1695 and 1700, respectively, be cancelled, and that they be enrolled as Creek freedmen, entitled to allotment in the Creek Nation.

With said report there was transmitted a decision containing two orders, one cancelling the names of said parties from the final roll of Chickasaw freedmen, and the other ordering them enrolled as Creek Freedmen, and it was stated in said report that,

"To obviate the possibility that the Department should approve the decision and that thereafter, either through lack of time or mistake, their names should not be placed upon a schedule of Creek freedmen to be approved by you prior to March 4, 1907, thus leaving the applicants without citizenship rights in either the Chickasaw or Creek Nation, I will also prepare and transmit under separate cover a schedule containing the names of said applicants, so that said schedule may, in the event that you affirm the decision herewith transmitted, be immediately approved."

On February 27, 1907 (I.T.D. 4732-1907), the Department approved the findings in this office and granted authority for the cancellation of the names of Serena Bullocks and her three minor children from the roll of Chickasaw freedmen and also approved the action of this office in holding that they were entitled to enrollment as Creek freedmen.

It now appears, however, that the fear expressed in the report of this office of January 21, 1907, that through an oversight the names of these persons might not be placed upon a schedule of Creek freedmen, was realized, and no schedule containing their names was approved by the Department.

This oversight appears to have been occasioned by reason of the fact that when the decision and report were signed by me the complete record, including the carbon copies, was, through error, forwarded to the Department and the usual practice of this office in returning the carbon copies to the enrollment division not having been complied with, the fact that this report and decision had been signed by me was overlooked and a roll schedule was not prepared and transmitted to the Department.

3-

It appears from the records of this office that the name of John Ross, Jr. appears upon Cherokee freedman card, field No. 2-254. He is the son of John Ross, a Cherokee freedman, and Rhodie Ford, who was an applicant for enrollment as a Cherokee freedman, and finally denied as such by the Secretary of the Interior on April 21, 1906.

On October 3, 1906, the Commissioner to the Five Civilized Tribes rendered a decision holding that the said John Ross, Jr. was entitled to enrollment as a Cherokee freedman, which decision was forwarded to the Department and was approved by it on February 27, 1907 (I.T.D. 2852,4780-1907). It does not appear, however, that the name of the said John Ross, Jr. was placed upon a roll schedule of Cherokee freedmen prior to March 5, 1907. At the time the Department rendered its decision favorable to this applicant, no roll schedules were being prepared in this office, but under the practice then in force, such a schedule, containing the name of this applicant should have been prepared by this office prior to February 20, 1907, and transmitted to the Department for its approval in the event the decision of the Commissioner of October 3, 1906, was affirmed.

The names of John D. Lacey and his children, Myrtle L. Calvin, William D. Lacey, Shelley M. Lacey, Miles E. Lacey, Ezekiel M. Lacey, Jesse Franklin Lacey and Martha J. Lacey, and his minor

4---

grand-child, Ella Colvin, appear upon Cherokee roll card, field No. D-340.

It appears from the records of this office that on October 19, 1906, the Commissioner rendered his decision holding that the persons above named were entitled to enrollment as citizens by blood of the Cherokee Nation, which decision was transmitted to the Department on December 10, 1906, and was approved by the Department on March 1, 1907 (I.T.D. 5076-1907).

The names of these persons, however, were not placed upon a roll schedule of citizens by blood of the Cherokee Nation on or prior to March 4, 1907.

It further appears from the records of this office that Jordan Harper was an applicant for enrollment as a freedman citizen of the Cherokee Nation, his name being listed on Cherokee freedman roll card, field No. 1305 and that on September 5, 1903, the Commission to the Five Civilized Tribes in the case of Eliza Gaines, et al., held that said Jordan Harper should be enrolled as a Cherokee freedman. This decision was transmitted to the Department, where, on April 4, 1904 (I.T.D. 836-1904), it was affirmed by the Acting Secretary of the Interior.

After the rendition of this decision by the Commission, there was filed withthis office on July 27, 1904, the affidavits of Robert Harper and Lydia Carter to the effect that the said Jordan Harper died on the 24th day of December , 1901, and for the

reason that if this information was correct the name of the said Jordan Harper should not have been placed upon the final roll of Cherokee Freedmen no action was taken looking toward the scheduling of his name until the matter could be further investigated.

On July 25, 1906, there was filed with the Commissioner to the Five Civilized Tribes, by the attorney for the Cherokee Nation, a motion "to review and reject" the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated case of Eliza Gaines, et al. This motion was transmitted to the Department on November 28, 1906. On February 12, 1907 (I.T.D. 1868-1907), this office was advised by the Department that said motion was denied.

Sometime after the filing of the affidavits relative to the death of the said Jordan Harper, and on July 21, 1906, a hearing was had before the Commissioner at which it developed that the date of death given in said affidavits was erroneous and that the said Jordan Harper had actually died sometime during the month of December, 1902. It would therefore appear that his name should have been placed upon a roll schedule of freedmen citizens of the Cherokee Nation for approval by the Secretary of the Interior on or prior to March 4, 1907.

It appears from the records of this office that on June

30, 1902, Emmett Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Daniel Davis, his wife, Mary E. Davis, and their children, William Emery Davis and Lorenzo Newton Davis, as citizens of the Cherokee Nation, Mary E. Davis claiming as a citizen by intermarriage and the other persons named claiming as citizens by blood.

On December 27, 1905, the Commissioner rendered his decision in said case, rejecting the applications of Daniel Davis and William Emery Davis and granting the application for the enrollment of Lorenzo Newton Davis. The applicant, Mary E. Davis, claiming by reason of her marriage to a claimant as a citizen by blood of the Cherokee Nation, her application was not passed upon at that time, but was subsequently denied by the decision of the Commissioner of January 10, 1907, which was affirmed by the Department on January 26, 1907.

On January 8, 1906, the attorney for the Cherokee Nation filed his protest in said case against that part of the Commissioner's decision granting the right of enrollment to Lorenzo Newton Davis, and on January 13, 1906, the decision in said case, together with the protest of the attorney for the Cherokee Nation, was transmitted to the Department and in the letter of transmittal the Commissioner called attention to the ruling of the Department established in the approved opinion of the Assistant Attorney General of December 28, 1906 (I.T.D. 13218-1905), in connection with the Cherokee enrollment case of Mary L. Strider

land, et al., and on account of said ruling recommended that the decision of this office of December 27, 1905, in so far as it granted the right of enrollment to the said Lorenzo Newton Davis, be reversed and that the application for his enrollment as a citizen of the Cherokee Nation be denied.

On February 15, 1907 (I.T.D. 2450-06 and 3128-1907), the Department rendered its decision, in which it held that the decision of the Commissioner of December 27, 1905, should be affirmed and that the said Lorenzo Newton Davis was entitled to be enrolled. This office was advised of such action on the part of the Department and on February 19, 1907, the attention of the Department was called by telegram to the apparent conflict in the opinion in the Lorenzo Newton Davis case and the opinions of the Department in the Mary L.Strickland and Hubert Henry cases.

On February 28, 1907 (I.T.D. 18218-1905, 5462, 3128-1907), the Department advised this office that they saw no conflict in said opinions; that Lorenzo Newton Davis should be enrolled and that the Hubert and Hubert Henry case should be reversed.

In view of the fact that this office in January 1906, had recommended that Lorenzo Newton Davis should not be enrolled as a citizen of the Cherokee Nation, no schedule containing his name was prepared and forwarded to the Department, in accordance with the practice adopted by this office and approved by the Department, for completing the enrollment work. For that reason his name does not appear upon the final roll of citizens of the

Cherokee Nation, although it was adjudged by the Department that he is entitled to be so enrolled.

On June 30, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment, among others, of John W. Lawrence as a citizen by blood of the Cherokee Nation.

On January 7, 1907, the Commissioner to the Five Civilized Tribes rendered his decision holding that said applicant is entitled to such enrollment and granting the same. On the same day a protest against the enrollment of such person as a citizen by blood of the Cherokee Nation having been filed by the attorney for the Cherokee Nation, the decision of the Commissioner, together with the record in the case, was transmitted to the Department, where on February 28, 1907 (I.T.D. 5582-1907), said decision was affirmed. The name of the said John W. Lawrence was never placed upon a roll schedule of citizens by blood of the Cherokee Nation and formally approved by the Secretary of the Interior on or prior to March 4, 1907.

The attention of the Department is called to the above mentioned cases for the reason that the persons affected have all been adjudged by the Department to be entitled to enrollment, but their names do not appear at this time upon the final rolls, where they have been found entitled to be placed.

The Act of Congress approved April 26, 1906 (34 Stats., 137), provides in Section 2, in part, as follows:

"Provided, That the rolls of the tribes affected by this Act

shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Unless, therefore, the names of these persons are constructively on the final rolls of the tribe with which they have been adjudged entitled to be enrolled there is, under existing law, no way in which they can at this time be enrolled.

In regard to the case of Serena Bullocks and her three minor children first above referred to, they have been found entitled to be enrolled by the Commissioner to the Five Civilized Tribes and the Secretary of the Interior under the provisions of the Acts of Congressapproved June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861).

The first mentioned act, in regard to the enrollment of Creek freedmen, provides as follows:

"The roll of Creek freedmen made by [illegible] under authority of the United States, prior to [illegible] fourteenth, eighteen hundred and sixty-seven, is hereby confirmed, and said Commission is directed to enroll all persons who living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

Said Act further provides that,

"The rolls so made, when approved by the Secretary of the of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent."

By Section 28 of the Act of Congress approved March 1,

1901, above referred to, it is further provided that the rolls of Creek citizens shall be made in compliance with the provisions of the Act of June 28, 1898, and that,

> "The rolls so made, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons."

The other persons mentioned have been found by the Commission or Commissioner to the Five Civilized Tribes and the Secretary of the Interior to be entitled to enrollment as citizens or freedmen of the Cherokee Nation.

It is provided by Section 21 of the Act of Congress approved June 28, 1898, supra:

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right to all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

It shall make a roll of Cherokee freedmen in strict compliance with the decree of the court of Claims rendered the third day of February, eighteen hundred and ninety-six..

The rolls so made, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons."

By Section 29 of the Act of Congress approved July 1, 1902 (32 Stats., 716), it is provided:

"For the purpose of expediting the enrollment of the Cherokee citizens and the allotment of lands as herein provided, the said Commission shall, from time to time, and as soon as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Cherokee tribe upon which allotment of land and distribution of other tribal property shall be made. When there shall have been substituted to and approved by the Secretary of the Interior lists embracing the names of all those lawfully entitled to enrollment, the rolls shall be deemed complete. The rolls so prepared shall be made in quadruplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the Principal Chief of the Cherokee Nation and one to remain with the Commission to the Five Civilized Tribes."

It will be noted that in these provisions of law relative to the preparation of the rolls of citizens and freedmen of the Creek and Cherokee nations it is nowhere provided explicitly in what manner the rolls shall be made. It does provide that the rolls shall be prepared by the Commission to the Five Civilized Tribes, and that when the enrollment of any person is approved by the Secretary of the Interior his enrollment becomes complete.

For the purpose of enrollment the Commission, with the approval of the Department, adopted a certain system of procedure which has been followed during all of the enrollment work under the laws above referred to. There have been prepared sheets or schedules upon which have been listed the names of all persons found entitled to enrollment by the Commission or Commissioner to the Five Civilized Tribes and when these sheets or schedules were approved by the Department, they have been considered a part and parcel of th final roll of the Nation affected. Th names of the majority of persons who have been enrolled as citizens of one of these tribes have never been presented to the Department for consideration until they have been sent up on one of these schedule sheets above referred to. Prior to the scheduling the only class of cases which have been submitted to the Department have been those in which an unfavorable decision was rendered by this office, or cases in which a favorable decision was rendered by this office and the attorney for the nation affected has filed protest. In these two classes of cases the right of the parties to enrollment was considered by the Department without their names having been placed upon a final roll schedule. In such cases, when unfavorable action of the office was reversed by the Department, or the favorable action of this office was approved by the Department, the cases have been returned to this office for scheduling.

The final act, however, on the part of the officers of the United States in the matter of the enrollment of persons as citizens of one of the Five Civilized Tribes, is the approval of such enrollment by the Secretary of the Interior. In allof the cases above referred to, this action has formally taken place and I do not believe that these persons should be deprived of the right of having their names appear upon the final roll, upon which it has been determined that they are entitled to appear, by reason of a default in the administrative work of this office or the Department.

By all the legislation providing for the enrollment of citizens of the Creek and Cherokee nations it is provided that the rolls of these two tribes shall be complete when the names of all the persons found entitled to be enrolled under the various acts of Congress regulating the enrollment in these two nations have been submitted to the Secretary of the Interior and acted upon by him.

By the provisions of Section 2 of the Act of April 26, 1906, which has heretofore been quoted, it is provided, however, that "the Secretary of theInterior shall have no jurisdiction to approve the enrollment of any person after said date (March 4, 1907)."

In the cases of these persons all the steps incident to enrollment have been taken. They have been found entitled to

enrollment by the Commission or Commissioner to the Five Civilized Tribes, their names have been submitted to the Secretary of the Interior for consideration by him and their enrollment has been approved by him.

I therefore have to recommend that their names be placed upon the final rolls of the Creek and Cherokee Nations and there is herewith transmitted a Creek freedman schedule sheet upon whichhave been placed the names of Serena Bullocks and her three minor children, Bessie Harris, Minnie Vincent and Lou Willie Bullocks, opposite Nos. 5694, 5695, 5696 and 5697, respectively.

There is also transmitted a Cherokee freedman schedule sheet upon which has been placed the name of John Ross, Jr., opposite No. 4360, also a Cherokee Indian schedule sheet upon which have been placed the names of John D. Lacey and seven children, Myrtle L. Colvin, William D. Lacey, Shelley M. Lacey, Miles L. Lacey, Ezekiel M. Lacey, Jesse Truman Lacey and [illegible] E. Lacey, and his minor grand-child, Ella Colvin, opposite Nos. 32918, 32919, 32920, 32921, 32922, 32923, 32924, 32925 and 32926, respectively; also a Cherokee freedman schedule sheet upon which has been placed the name of Jordan Harper, opposite No. 4359; also a Cherokee Indian schedule sheet upon which has been placed the name of Lorenzo Newton Davis, opposite No. 32716; also a Cherokee Indian schedule sheet upon which has been placed the name of John W. Lawrence, opposite No. 32917, and if the Department concurs in

the above, it is recommended that one copy of the sheets containing these names be attached to and made a part of the final rolls of th Creek and Cherokee Nations as they appear of record in the office of the Secretary of the Interior and Commissioner of Indian Affairs and that three copies of the same be returned to this office to be attached to the copies of the roll in its possession.

As this office, under Departmental instructions, is preparing to have the final rolls of the citizens and freedmen of the Five Civilized Tribes printed, it is requested that consideration and action on this matter be expedited as much as possible.

Respectfully,

(Signed) Tams Bixby

Commissioner.

Through the Commissioner of Indian Affairs.

AWK-3-1.

Muskogee, Indian Territory, June 22, 1907

Charles A. Cook and Fred F. Branson,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

This office is in receipt of your letter of June 19, requesting that you be advised of any matters affecting the rights of Lorenzo Newton Davis as a citizen of the Cherokee Nation.

In reply you are advised that your letter has been noted and filed, and your request will be complied with.

Respectfully,

L M M

Commissioner

Cher 10996

Lottie Robbins

Trans. from M 348

Cher 10996

R.C. [illegible]-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

SAM

K.W.
47947-1907.

June 5, 1907.

The Commissioner
to the Five Civilized Tribes,
Muskogee, Ind. Ter.

Sir:

On May 17, 1907, the Department denied motion of the Attorney for the Cherokee Nation to review and reverse Departmental decision of February 18, 1907, in the matter of the application of Emily Beaver, et al, for enrollment as citizens of the Cherokee Nation. You are requested to advise the interested parties of the Department's action.

Very respectfully,

(Signed) C. F. Larrabee,
Acting Commissioner.

SAM-GM.

Cherokee 10996.

Muskogee, Indian Territory, June 11, 1907.

Lottie Robbins,

Westville, Indian Territory.

Dear Madam:

You are advised that the motion of the Attorney for the Cherokee Nation to review and reverse Departmental decision of February 18, 1907, in the matter of your application for enrollment as a citizen of the Cherokee Nation was denied by the Department on May 17, 1907.

Respectfully,

S.W. Commissioner.

Cherokee F
1853 et al.

Muskogee, Indian Territory, June 21, 1907.

L. F. Hudgens,
Attorney for Emily Weaver, et al.,
Westville, Indian Territory.

Dear Sir:

You are advised that the motion of the Attorney for the Cherokee Nation to review and reverse Departmental decision of February 18, 1907, in the matter of the application for the enrollment of Emily Weaver, et al., as Cherokee freedmen was denied by the Department on May 17, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

Encl.76.
E.V.

Commissioner.

Cherokee F
1883 et al.

Muskogee, Indian Territory, June 11, 1907.

W. T. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are advised that your motion to review and reverse Departmental decision of February 18, 1907, in the matter of the application for the enrollment of Emily Vanover, et al., as Cherokee freedmen was denied by the Department on May 17, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

Encl. W-6.
S.W.

Commissioner.

10996

Lottie Robbins

For Record see

Emily Weaver, Cherokee

Freedman 1553.

Cher 10997
Peggie Whitmire

Trans. from R618

Cher 10997

\eRe

To be filed in the case of Peggy Whitmire and Henry Bushyhead.,

REJECTED [redacted], No_____

$$$$$$$$$$

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. September, 11, 1901.

In the matter of the application of Charlott Downing for the enrollment of herself and two children as citizens of the Cherokee Nation by blood. She being sworn and examined by the Commission, testified as follows:

Q What is your name? A. Charlott Downing.
Q About how old are you? A. About 50 I guess.
Q What is your post office address? A Westville.
Q Is that in the Cherokee Nation? A Yes sir.
Q In what district do you live? A Goingsnake.
Q Do you apply for enrollment as a Cherokee by blood? A Yes sir.
Q Do you apply for anyone besides yourself? A I have got two children.
Q What are their names? A Peggy Whitmire.
Q How old is Peggy? A. She is going on six.
Q What is the name of the next one? A Henry Bushyhead.
Q Is that all, just the two children? A Yes sir.
Q How old is Henry? A. Three years old.
Q Are these children both alive and living with you at be present time? A Yes sir.
Q Where were you born? A. In the Cherokee Nation.
Q Have you lived here all your life? A. Yes sir.
Q Have you ever made your home anywhere else? A No sir.
Q Did you ever apply for enrollment in any other tribe or nation? A No sir.
Q What is the name of your father? A. Josh Robbins.
Q Is he living? A. No sir.
Q Was he a Cherokee or a white man? A. Cherokee.
Q What is the name of your mother? A. Emily Weaver.
Q Is she living now? A. Yes sir that is my mother siting over there.
Q Is she a Cherokee by blood? A. Yes sir.
Q How much Cherokee blood do you claim? A. I guess I am about half.
Q What is the name of your husband? A. Jim Downing.
Q When were you married to him? A. In '86 I think.
Q Were you ever married to any other man before you married him? A No sir.
Q Who is the father of Peggy? A. Ellis Whitmire.
Q You were not married to him? A. No sir.
Q Who was the father of Henry Bushyhead? A. Bob Bushyhead.
Q Was he a Cherokee by blood? A. Yes sir.
Q You were not married to him? A. No sir.

The applicant presents a certified copy of a marriage certificate showing the J.M.Downing and Charlott Robbins were united in marriage on the 5th day of March 1886 by J.R.Wright, Clerk of Goingsnake district, Cherokee Nation. Same is filed herewith.

Q Does your name appear upon the roll of 1880? A I dont know, I guess it is.
Q What district did you live in 21 years ago? A. Goingsnake.
Q Did you have any brothers or sisters? A Three sisters.
Q State their names please? A Letty, Mary and Rachel.
Q Are they all older than you? A. One younger and two older, Letty is younger.
Q Did you ever draw any money from the Cherokee Nation? A. No sir.
Q Never drew any? A. No sir.
Q Did you apply to the Commission to the Five Civilized Tribes in 1896 for enrollment as a Cherokee citizen? A Mother did I think.
Q Were you admitted to citizenship or were you denied? A Mother came here- - mother died she wasn.t denied here.

EMILY WEAVER, called and sworn as a witness for the applicant testified as follows:

Q What is your name? A Emily Weaver.
Q How old are you? A I cant exactly tell,reckon about 50 or 60.
Q What is your post office address? A Westville.
Q Are you a Cherokee by blood? A Yes sir that is what I claim.
Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes sir I was here.
Q When? A They give me my citizenship here by act of Council they told me.
Q When was it? A. Here's my papers you can look at these (Hands Commission papers)

The applicant presents certain papers praying the Cherokee Council for admission to citizenship in the Cherokee Nation. It does not appear from them that any action was ever taken by the Cherokee Council as far as the papers are concerned and they are returned to the applicant.

Q Did you ever draw any money from the Cherokee Nation? A No sir.

(By Commission of applicant)

Q Your husband Jim Downing,is he a Cherokee by blood? A Yes sir.
Q Is he living? A No sir.
Q When did he die? A. Ten years ago.
Q Have you ever married since his death? A. No sir.
Q Did you ever live with Willis Whitmire? A. No sir.
Q Never kept house with him? A. No sir.
Q Did you ever live with Bob Bunkyhead? Did you ever live with him or keep house with him for any length of time? A Two months I guess,but he went off and left me.
Q About how old would your husband Jim Downing be if he were living today? A I dont know just how old he would be.
Q Was he considerable older than you or younger? A Yes sir he was older.
Q What was his father's or mother's name? A. I dont know.
Q How long did you know him before you married him? A. About three years
Q Had he always been living in Going snake district? A. No sir he lived on Grand river.
Q In what district? A I dont know just what district it was.
Q Did you ever have any children by Jim Dowing? A No sir.
Q Did you have any children at all? A. No sir
Q Was he married before he married you? A No sir not until he married me

The 1880 authenticated roll of the Cherokee Nation examined for the name of the applicant's husband,and he is identified thereon as follows: Page 750 No.531,Jim Downing,Tahlequah district, Native Cherokee,18 years of age.

(By W. W. Hastings, Cherokee Representative)

Q How long did you live with Jim Downing? A Two and a half years.
Q Continuously? A Yes sir.
Q Didn't live with him until his death? A No sir.
Q Where did you live with him? A On Tyner's creek in Goingsnake.
Q How far from Rich Wolf's? A Five miles I reckon.
Q What made you quit him? A. I didn't quit him,he went off on Grand river and didn't come back any more.
Q You didn't have any children by him? A No sir.
Q Were you and he keeping house separately? A Keeping house right there with my mother.
Q And have you been living with your mother ever since he left? A. Yes sir.
Q Was it where you live now in Goingsnake that you and Jim Downing lived? A. Three miles below where we live now.
Q Why didn.t you come to us at Westville and apply? A I went there but they was through
Q What didn't you come to us at Tahlequah? A. I didn.t have no way to come or I would have gone there.
Q And you state now that you have never married or lived with any one since your and your husband Downing separated? A No sir.
Q How long had you known Downing before you married him? A Three years I said -- three and a half years.
Q He was living on Grand river and you was living in Goingsnake? A Well we lived on Grand river about a year and then we moved to Goingsnake and he come there and we got married.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant found thereon as follows: page 745 No.6365,Charlett Downing,Native Cherokee,Goingsnake Dist.

Applicant not found on the 1880 authenticated roll of the Cherokee Nation.

By the Commission: Charlott Downing applies for the enrollment of herself and two children as Cherokees by blood. She swore that she has lived in the Cherokee Nation all her life; she is identified upon the census roll of 1896 as a native Cherokee; she produces satisfactory proof as to her marriage on March 5th 1898, to one Jim Downing, and the said Jim Downing is identified upon the authenticated roll of 1880 as a native Cherokee. She states that she lived with the said Downing for about two and a half or three years and that they then separated. She also states that she has not married since the separation from the said Downing. She has two children, Peggy Whitmire and Henry Bunkyhead. The said Peggy Whitmire is a daughter of one Ellis Whitmire, and Henry Bunkyhead is a son of one Bob Bunkyhead. She states that she was never married to either the said Whitmire or the said Bunkyhead. By reason of the fact that she is not identified upon any of the rolls of the Cherokee Nation except the census roll of 1896, it would appear that she is not entitled to enrollment as a Cherokee citizen by blood; but it appears that she may be entitled to enrollment as a citizen by intermarriage. In as much as she swore that she was never married to the fathers of her two children, the application which she makes [illegible] will be rejected and their names will be placed on a rejected card. The said Charlott Downing, will be duly listed for enrollment on a doubtful card and when the final decision of the Commission is finally rendered as to the matter of the application made for herself and her two children, she will be duly notified of the same by mail at her present postoffice address.

The 1896 census roll of the Cherokee Nation examined for the name of her children and there is found the name of her oldest child, as follows:

Page 310 No 2516, Peggie Whitmire, Goingsnake district.
NOTE: " Child of Charlott Downing "

By the Commission: Upon further examination of the census roll of 1896 it appears that the said Peggy Whitmire is identified upon said roll as a native Cherokee, but it is not thought that th enrollment of this child in 1896 would in any way change its status and its enrollment will therefore not be changed.

§ § § § § § § § § § § § §

Chas. von Weise, being sworn states that as stenographer to the Commission to the five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 11th of September, 1901.

[illegible] Commissioner.

R618.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 11 1901

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath. E. Snake

CHEROKEES BY BLOOD AND ADOPTION.

Date Sept. 11th 1904

Name Westville, I. T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

1 Pearcie Whitmire Dist. Year 96 Page 810 No. 2516 Age 5

2 Herring Bushyhead Dist. Year Page No. Age 3

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Rejected

Application by mother Charlotte Downing.

Birth Cert. required

Sten - Chas von Weise

JOR.
Cher. D-1220.
Cher. R-618.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of CHARLOTTE DOWNING and her two children PEGGY WHITMIRE and HENRY BUSHYHEAD as citizens by blood of the Cherokee Nation.

Appearances:
W. W. Hastings, attorney for Cherokee Nation.

CHARLOTTE DOWNING, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Charlotte Downing.
Q How old are you? A I don't know exactly how old I am.
Q How old do you think you are, thirty-five or forty, somewhere along there? A Yes sir, I guessI am.
Q What is your post office address? A Westville.
Q Have you made application to this Commission for enrollment?
A Yes sir.
Q As what, a Cherokee by blood or intermarriage? A Yes sir, I tried for Cherokee by blood, that is all I want to try for.
Q You claim to be a Cherokee by blood? A Yes sir.
Q What was the name of your father? A Joshua Robbins.
Q He is dead, you state? A Yes sir.
Q About how long has he been dead? A He has been dead, I reckon, about ten years, maybe longer than that. He died up here on the prairie close to Westville.
Q About how old were you when he died? A I was about five years old. I was a little fellow just beginning to walk.
Q Do you remember your father? A No sir.
Q He has been dead considerably over ten years? A Yes sir.
Q What is the name of your mother? A Emily Crittenden?
Q Is she living? A Yes sir.
Q Is that herpresent name? A Yes sir.
Q To what nationality does she belong, white woman or what?
A Sheris a Cherokee, she claims to be part Cherokee.
Q Does she claim to be a Cherokee by blood? A Yes sir.
Q What other blood has she? A I think she has got a little colored blood, but she don't look like it, mighty little if she has any.
Q Has she made application to this Commission for enrollment as a citizen by blood or adoption? A By blood. But she said if they would not give her a right, she would like to have you give her children a right. I have got one sister, Eliza Robbins, and we can getproof to prove that Joshua Robbins was our daddy--
Q Where have you lived since you can first remember? A We lived up here on the Prairie.
Q In what district? A Goingsnake.
Q What name were you known by when you were small? A Charlotte Robbins.
Q Is that the only name you have ever gone by? A Yes sir, until I married, and then I went by the name of Charlotte Downing.
Q Have you been recognised by the Cherokee Nation as a citizen of the Cherokee Nation by blood? A Yes sir.
Q Have you drawn money from the Cherokee Nation? A No sir, we have not drawn any money, but they put us on the roll last Council here at Tahlequah, they put us on the roll here. Henry Crittenden put us on the roll, and they told mamma she had her right by Cherokee blood.

Q Who is Henry Crittenden? A He lives up on the Prairie, his name is Henry Crittenden.
Q Is he related to you? A Some kin to my mother.
Q Were your father and mother married? A No sir, they were not lawfully married, but they lived together until he died.
Q Have you an older sister? A I am the oldest sister, I have one younger than I am.
Q After your father died to whom was your mother married? A She didn't marry anybody, she lived just a widow woman.
Q Did she go by the name of Emily Robbins after he died?
A Yes sir, some called her that, she mostly goes by the name of Emily Crittenden.
Q Was she ever known by any other name besides those two names?
A No sir.
Q Where did she live when you were small, about five years of age.
Q Up on the Prairie, down on Barren Fork here.
Q In what district in the Cherokee Nation? A They said it was in the Territory. I don't know what the name of the place is. Tyner's Creek now we are living.
Q Did your mothee ever go by any other name besides Crittenden and Robbins? A No sir.
Q Did she ever go by the name of Weaver? A That is her name, Emily Weaver. They found my name on the roll down at Muskogee, and my little girl's name is on there too, Peggy Whitmire.
Q Did your mother ever live in any other district besides Going-snake? A No sir.
Q About how old was your father when he died? A I don't know just exactly how old he was, I was too small to know.
Q Do you know whether he was ever married to any other woman besides living with your mother? A No sir.
Q Did he have some children by another woman? A No sir.
Q What is the name of your present husband? A Jim Downing.
Q What is he? A He is a Cherokee, Jim Downing is.
Q He is your present husband? A I am living with a man, a Mr. Newton.
Q What is his full name? A John Newton.
Q He is your present husband? A Yes sir.
Q When were you and he married? A The 1st day of January.
Q The 1st day of January of this year? A Yes sir.
Q You have been married about eight or ten months? A Yes sir.
Q What is your present husband, a white man? A Yes sir.
Q Your husband Jim Downing, was a recognized citizen by blood of the Cherokee Nation? A Yes sir.
Q Did you have some children by him? A No sir.
Q Have you some children? A Yes sir.
Q What are their names? A Peggy Whitmire.
Q Have you just one? A No, Henry Bushyhead.
Q Were you married to the father of those children A No sir.
Q Neverlived with them? A No sir, never lived with but one a while.
Q Which one is that? A Bob Bushyhead.
Q Is that the father of Henry Bushyhead? A Yes sir.
Q What is he? A He is a Cherokee.
Q Cherokee by blood? A Yes sir.
Q Recognized as such? A Yes sir.
Q How long did you live together as husband and wife? A Didn't live together so long, I reckon about three or four months, and he just went off and left me.
Q No longer than that? A No sir.
Q You were not married to him? A No sir.
Q Have you lived with the father of Peggy Whitmire? A No sir.
Q Never lived with him at all? A No sir.
Q What is his name? A Ellis Whitmire.

Q What is he, a Cherokee by blood? A Yes sir.
Q Does Whitmire recognize Peggy as his child? A He is not living, he is dead, Ellis Whitmire is.
Q Does Bob Bushyhead recognize Henry as his child? A Yes sir.
Q Is he living? A Yes sir, he is living.
Q Have you ever drawn any money from the Cherokee Nation at all?
A No sir.
Q You have never drawn any? A No sir.
Q The Cherokee nation never recognized you as a citizen by blood?
A Yes sir, it always did say I was a Cherokee by blood, but I never did draw any money, they always did knock us out every time they drew money.
Q How long have you resided in the Cherokee Nation? A Born and raised here.
Q When did you and James Downing begin living together? A I don't know.
Q About how long ago? A I guess it has been a long time, I don't know just how long.
Q You first said you were not married to him? A Yes sir, I was lawfully married to him, lawfully married now.
Q Have you filed with the Commission your certificate of marriage to him? A Yes sir.
Q How long did you and he live together? A We lived together pretty near a year, not quite a year, it was pretty near a year.
Q Then you separated? A Yes sir.
Q Did you leave him, or did he leave you? A He left me.
Q What was the cause of your separation? A Not anything at all, he just went off and told me he was going to his brother's, but he never came back any more, until I got a letter from him.
Q How long was the letter written after he left? A In about four weeks, I reckon, or three, after he left here, he wrote me a letter. back, and said he was not going to return any more. Nobody knows what is the cause.
Q What cause did you give him for leaving? A Never gave him any cause, he just went off.
Q Picked up and left without anytrouble or anything? A Yes sir, never a cross word while we lived together.

MR. HASTINGS: When did Jim Downing die? A He has been dead about five years, I guess.
Q Who married you and your present husband Newton? A Mr. Wright.
Q Your present husband? A We got married right here in Tahlequah.
Q The Clerk married you here? A Yes sir.
Q Get out a license? A Yes sir.
Q Married him last January or February? A Yes sir.
Q What was James Downing's wife's name before he married you?
A I don't know her name. He never had any lawful,wife, but he was living with a woman out there.
Q You knew that he was living with a woman and had some children
A No sir, never did.
Q Didn't you hear of it at all? A No sir, never heard of it until after I was married.
Q You didn't hear of it? A He never had any children by her until afterwards.
Q He had children by her? A Yes sir.
Q You found out afterwards that he had been living with this woman?
A Yes sir, I found it out afterwards, but I didn't know it at the time.
Q Did you have any children at the time you married him? A No sir
Q You lived with Jim less than a year ? A Just about a year, I guess.
Q Where is the letter, let me see it, might find out the date of your separation at least. The letter is dated February 28, 1907. Was this letter written shortly after he left you? A Yes sir, I got the letter after he left me.

Q A short time? A Yes sir.
Q How old is Peggy Whitmire? A I don't know.
Q Is she twenty years old? A No sir.
Q Your best judgment. You are the mother and ought to know something about it. A I don't know how old she is.
Q Is she a year old or forty, guess at it, your best judgment?
A She is over five.
Q About six? A Yes sir.
Q How old is this Bushyhead A Heis threeyears old.
Q You lived with Him Downing less than a year? A Yes sir.
Q Then did you live with this Bushyhead man a while? A Yes sir.
Q How long did you live with him? A I didn't live with him long. just a little while, less than--about three months.
Q You never had any children by Jim Downing? A No sir.
Q Bushyhead was also married? A No sir.
Q Didn't he have a wife before you lived with him? A No sir.
Q No children? A No sir.
Q You were never married to him? A No sir.
Q Never married to Ellis Whitmire? A No sir, he got killed.
Q You were never married to him? A No sir.
Q Henry Downing was not a member of the Cherokee Legislature when he said he enrolled you, was he? A Henry Crittenden, I mean. Yes sir, he was down here in Council.
Q He was not a member? A Yes sir, he was.
Q You ought to be certain of that? A I think he was. Mother was down here. I was not down here, but mother was here, and Hen Crittenden, he was here in Council, but I don't know whether he was a member of the Council. He must have been, though, he put her name on the roll.

MR. HASTINGS: The representative of the Cherokee Nation desires now to dall attention to the fact that the records of the Executive Department disclose that Henry Crittenden was never a member of either branch of the Cherokee National Council

BY COMMISSION: What was the name of the first man with whom you ever lived? A Jim Downingwas the first man I ever lived with.
Q The first man that you ever lived with as husband and wife?
A Yes sir.
Q You never had any children beforeyou began living with him?
A No sir.
Q How long did you know him beforeyou began living with him?
A About three years.
Q About how old a man is he? A About a middle aged man.
Q At that time? A Yes sir.
Q Considerably older than you? A Yes sir.
Q Had he been married before that? A No sir, not that I know of. They said he had an other woman, living with her, but I didn't know that at that time.
Q Had another woman? A Yes sir, that is what they told me. And he went back out there and taught school, and they said the woman was there, that was after I married him.
Q Before you were married? A They said he was living with that woman before we were married, but I didn't knowit.
Q How long did they say he had been living with her?
A Pretty near a year, they said, he lived out on Grand River, and we lived out here on Tyner's Creek in Goingsnake. I was around here about a month or maybe longer, stayed around out there, and he got acquainted with me out on Grand River, and we moved back in Goingsnake. He came up here and me and him got married, and they said he was not married, just living with this woman.
Q Heis said to have lived with her about a year? A Yes sir, that is what they said, but I didn't know it at that time until after we were married.

Q Were you married to him by a minister? A I was married to him, Mr. Wright married us?
Q Was he a preacher? A No sir, he was Clerk.
Q Clerk of Goingsnake District? A Yes sir.
Q Did he give you a certificate? A Yes sir.
Q You said awhile ago you had filed that with the Commission?
A I took it down to Muskogee and gave it to the Commissioners.
Q You lived with James Downing about a year? A Yes sir.
Q Your present husband is not a citizen of the Cherokee Nation at all? A No sir.

The copy of the 1880 authenticated roll of citizens of the Cherokee Nation formerly in possession of the representative of the Cherokee Nation, has been examined for Flint, Tahlequah and Goingsnake Districts, and neither the name of the applicant nor her mother can be identified of record thereon under any name as given.

SUSIE KIRK, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Susie Kirk.
Q How old are you? A Thirty-four or-five.
Q What is your post office address? A Tahlequah.
Q Are you a Cherokee? A Yes sir.
Q Recognized citizen by blood of the Cherokee Nation? A Yes sir.
Q Do you know the applicant in this case, Charlotte Downing?
A Yes sir.
Q How long have you known her? A I have known her about eighteen or twenty years.
Q How old was she when you first learned to know her? A She was about eight oe ten years old, I guess.

MR. HASTINGS: Are you her half sister? A No sir.

BY COMMISSION: What name was she known by when you knew her first?
A Charlotte Robbins.
Q What district in the Cherokee Nation was that you knew her in?
A It was in Goingsnake District.
Q Did she alwasy go by that name? A Yes sir.
Q Didn't go by any other name? A No sir.
Q What was the name of the first man she lived with? A James Downing.
Q Did you know her mother also, when this girl was small? A Yes sr
Q What was her mother's name then? A She went by the name of Emily Crittenden.
Q Did she go by any other than before that that you know of?
A Emily Weaver.
Q Was there any other name she went by? A She went by the name of Emily Kirk.
Q Was she known as Emily Kirk? A Yes sir, that is the way most of them call her name.
Q Was that in Goingsnake District? A Yes sir.

MR. HASTINGS: She is the mother of Tom Kirk? A Yes sir.
Q Did this woman's mother live in any other district than Goingsnake that you know of? A No sir, not that I knowef.
Q Has she lived in Goingsnake District all the time? A Yes sir.
Q Did she live close to the line of any other district? A
A No sir, she lived up close to Cincinnati? A Yes sir.
Q Close to the Arkansas line? A Yes sir.

BY COMMISSION: Since that time has the mother of Charlotte Downing been known by any other name, since she went by the name of Robbins? A No sir, not that I know of.
Q She is known at present by what name? A Emily Crittenden.
Q Are the names you have given the only names you know of that she ever went by? Did she ever go by any other names besides those you have given? A Kirk and Weaver and Robbins, that is all I ever heard of.
Q This woman is at present married, is she? A Yes sir.
Q What is the name of her present husband, that she is living with now? A His name is Mr. Newton.
Q Is he a white man? A Yes sir.
Q How long hasit been since he and she were married? A It has not been a year.
Q It has been six or eight months? A Yes sir.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Charlotte Downing as a citizen by blood of the Cherokee Nation, Cherokee doubtful card field No. 1220; and also in the matter of the application for the enrollment of Peggy Whitmire and Henry Bushyhead as citizens by blood of the Cherokee Nation, Cherokee Rejected card field No. 618.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribeshe correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete etranscript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 28th day of October, 1902.

John M Rogers
Notary Public.

FILED
DEC 21 1904
COMMISSION TO FIVE TRIBES.

Cherokee D-1220

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., November 15, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Charlotte Downing as a citizen by blood of the Cherokee Nation.

It appears that on the 29th day of September, 1904, the applicant, her attorney, and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory on the 15th day of November, 1904, and then and there introduce testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant appears in person and by attorney, R. H. Creuch.
Cherokee Nation by Attorney, W. W. Hastings.

CHARLOTTE NEWTON, being duly sworn testifies as follows:

BY R. H. CROUCH:
Q What is your name ? A Charlotte Newton
Q What is your husband's name? A John Newton.
Q Where do you live? A I live at Westville, Indian Territory
Q What is your age? A 14, I guess I am 14, I mean 36; I am 36, as near as I can come at it.
Q When were you ma ried to John Newton? A Three years ago.
Q Had you been married prior to that time? A Yes sir.
Q What was your first husband's name? A Jim Downing.
Q Wh n did you marry Jim Downing? A It has been about 14 years, or 16, Sixteen years I guess
Q Where did you marry him? A At Mr. Wright's, Jack Wright's, Cherokee Nation, Indian Territory.
Q Was he a Cherokee Indian? A Yes,sir.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Who is your mother? A Emily Critt nden.
Q Are you a sister of Lottie Robbins? A Yes sir.
Q What is your father's name? A Josh Robbins.
Q Is he living? A No sir.
Q Are you a sister of Rachel Woodall? A Yes sir .
Q Full sister or half sister? A Half sister.
Q Now I will ask you of your father, Josh Robbins, was a Cherokee Indian? A Yes sir.
Q How long has he been dead? A Well, I could not just tell you that, Mr. Creuch, how long he has been dead.
Q Do you know how old you were when he died? A Well, I guess I was about five or six years old when he died.
Q You have lived here in the Cherokee Nation all your life?
A Yes sir.

BY W. W. HASTINGS:

Q You are not a full sister of Rachel Woodall ? A No sir.
Q You have a different mother? A No, sir, same mother
Q But different father? A Yes sir.
Q What was Rachel Woodall's father's name? A I don't just know what his name was, but he was a Woodall.
Q You are a full sister of Lottie Robbins? A Yes,sir.
Q Same father and same mother? A Yes,sir.
Q What relation to you is Bullette Weaver? A Half sister, have same mother.
Q Your mother, Emily Weaver, was a slave before the war was she?
A Yes sir, that's what they say she was.
Q And there never was any proof of any marriage between your alleged father and your mother?
A No sir, only under Cherokee rules.
Q They never were married? A No sir.
Q You never did, at any time, succeed in getting on any Cherokee rolls except as the wife of your former husband, Downing, did you? A No sir, I didn't try to get on the rolls by marriage with my husband at all. I tried for a Cherokee right when I come to Muskogee, and that time that you all was at that place, Gibson.
Q But you never were on any Cherokee Roll before 1896?
A I don't know whether we was on the roll or not, but they said we was on the roll.
Q But if you were on the roll you never knew it?
A That was what they told mother.
Q You and your mother and your family have always been applicants for Cherokee citizenship, haven't you?
A Yes,sir, we have tried for a Cherokee right.
Q And the Cherokee Council never would admit you , would it?
A Yes sir, they said it did.
Q But you have got no record showing the fact that the Council ever admitted you, have you? A No sir.
Q You say your former husband's name was Jim Downing? A Yes sir
Q Is Jim Downing dead? A Yes sir.
Q When did he die? A He has been dead a good while, I could not just tell you right at this time how long, but he has been dead a good while.
Q About how long? A I guess about five or six years
Q He was living then, when you were placed on this 1896 roll?
A No sir, he has been dead longer than that.
Q That was eight years ago, and you said he had been dead five or six years, is that right?
A I don't know just how long he has been dead.
Q Well, now, what is your best judgment as to how long he has been dead? A I don't know how long he has been dead
Q And you married this man Newton about three years ago?
A Yes sir.
Q Before that you were the widow of Jim Downing, a Cherokee?
A Yes sir.
Q You never did draw any Cherokee money? A No sir.
Q And yet you saw you have lived in the Cherokee Nation all your life? A Yes sir/.

Q Now there was a payment in '75, another in '80, there's another in '83, another in '86, and another in 90 and another in '94, and yet you admit that through all of these payments you were not recognized as a citizen, and not permitted to draw money, were you?
A No sir, we never drew any money. We could not draw any, could we, unless we were on the roll?
Q You were trying for a right all this time, and they never did admit you, did they? A No sir.

BY R. H. CROUCH:
Q Mrs/ Newton, how long did you live with Jim Downing, as well as you can remember? A I lived with him a year, I think a year and a half, the best that I can tell.
Q Did you separate? A Yes sir.
Q How long after you separated, as well as you remember, until he died? A Well, I can't just give it to you how long.
Q Now, from the time you separated until he died , as well as you can remember? A Well, now, from the time we separated, he went out west, and he was gone, I guess about five or six years when I heard he was dead, as well as I can remember.
Q Then you didn't know just when he died? A No sir.

BY COMMISSION:
Q Is your mother living? A Yes sir.
Q She has been enrolled by the Commission, has she, or do you know? A Not as I know of, she has been before them, but I don't think she has ever been enrolled.
Q Is your father living? A No sir.
Q You say your father's name was Josh Robbins? A Yes sir
Q How long has he been dead? A Well, I just couldn't tell you how long my father's been dead.
Q About how long? A I couldn't tell you that; I was small; I don't remember him.
Q Can you remember him at all? A No sir.
Q Your mother has told you that Josh Robbins was your father?
A Yes sir.
Q Where were you born? A I was born on the prairie; Indian Territory, close to Westville.
Q What Nation is that? A Indian Territory, Cherokee Nation.
Q Do you know where your father lived during his life time?
A Yes sir, he lived right close to Westville, in Indian Territory
Q Do you know what district that is in? A No sir, but it is in the Indian Territory, Cherokee Nation.
Q Do you know whether or not it is in the Goingsnake District?
A I don't know. Yes sir, it is in the Nation.
Q Do you know what age your father would be if he was living?
A No sir.
Q You don't know? A No sir
Q You don't know what age man he was when you were born? A No sir
Q Who told you he was a Cherokee Indian? A My mother told me.
Q Your mother? A Yes sir.
Q Has your mother testified for you in this case? A No sir. I testify for myself.
Q Has your mother ever been here in your behalf? A Yes sir, she is here now.

EMILY CRITTENDEN, having been duly sworn, testifies as follows:

BY M. H. CROUCH:

Q What is your name? A My name is Emily Crittenden.
Q How old are you? A Eighty-six years old
Q Where do you live? A On Pinar's Creek in Goingsnake District
Q Is that in the Cherokee Nation?. A Yes sir.
Q Are you acquainted with Charlotte Newton? A Yes,sir. She's my daughter
Q With Lottie Robbins and Rachel Woodall? A Yes,sir
Q I will ask you if you are the mother of these three parties?
A Yes sir.
Q How old is Charlotte Newton? A She is about 20 or 26
Q Mrs. Crittenden, where were you born? A In the Cherokee Nation, Flint District.
Q What was your mother's name? A My mother's name was Nellie Kelly, after she was married
Q Was she a Cherokee? A She was not a full blood Cherokee, she had some Cherokee blood in her.
Q What was your father's name? A My father's name was Lewis Crittenden.
Q Was he a Cherokee Indian? A Yes,sir.
Q Was your mother a slave before the war ? A Yes sir, she was.
Q Were you a slave before the war? A Yes sir.
Q To whom did you belong, who was your mistress at first?
A Carrie Wright.
Q She was a Cherokee? A Yes sir, she was a Cherokee.
Q Did you belong to her until the close of the war; at the time the slaves were freed?
A No sir, she was dead, and Phillips married a woman by the name of Sidney Crittenden.
Q Was she a Cherokee? A Yes sir.
Q And you belonged to them up until the close of the war?
A Yes sir.
Q You have always lived here in the Cherokee Nation, have you?
A Yes sir.
Q Who is Rachel Woodall's father? A His name was George Woodall
Q Was he an Indian? A Yes sir. He wasn't a full blood Indian; he was half.
Q When was Rachel Woodall born, relative to the Civil war.
A She was born the fall after peace was made
Q Who is Charlotte Newton's father? A Josh Robbins
Q And who is Lottie Robbins' father? A Josh Robbins.
Q Then these two last have the same father? A Yes sir.
Q Now I will ask you if you were married to Josh Robbins?
A No sir, not legally married.
Q When did you begin living with Josh Robbins?
A The year after peace was made.
Q Did you and Josh Robbins live together as husband and wife?
A Yes sir.
Q How long did you continue to live together? A We lived together about four years.

Where did you live during this time? A We lived right close to Westville, on that prairie close to Westville, where Mose Alberty's son lived, I can't remember that man's name now-- Thomas lived there. Lived on Aunt Liddy's place.
Q Have you ever lived with any one else since you lived with Josh Robbins? A No sir.

BY W. W. HASTINGS:
Q You lived with Josh Robbins during the war didn't you?
A No sir, not till after the war, after peace was made.
Q Now didn't you testify in this case, at Vinita, on January 23, 1903, that--A I said Joe Weaver; I lived in time of the war with Joe Weaver.
Q You never was married to Josh Robbins? A No sir.
Q Never was married to Joe Weaver? A No sir, just lived with him.
Q When did Josh Robbins die? A I don't know when he died; He died about---
Q How long after the war? A He died seven years after the war
Q Then he died about '72 or '73, is that right?
A Yes sir, I guess that's right.
Q Where did he die? A On that prairie up where Aunt Liddy lived.
Q Near Westville, in Goingsnake District? A Yes sir.
Q How old was Charlette when he died? A Going on four years old
Q Were you and Josh Robbins living together when he died?
A Yes sir.
Q Didn't he quit you? A No sir.
Q When did he commence living with you, before the war closed?
A No sir, just about the time the war closed
Q Before the Treaty? A Yes sir.
Q You have been an applicant for citizenship in the Cherokee Nation ever since the war? A Yes sir, I was born and raised here, and in that war when we all went north, I went out. I was grown.
Q Went north then? A West-- or we went towards Texas.
Q Didn't you go east? A (No response)
Q Who went? A Old man Phillips and all of us.
Q Is any of old man Phillips' family living now?
A Noah Wisenhunt's wife is living now
Q Where does she live? A She lives at Vinita, out here.
Q You didn't call her when you were at Vinita, did you
A No sir, I didn't think about it.
Q You were never married to Josh Robbins.
A No sir, I never was married to Josh Robbins.
Q You have been trying for admission ever since the war, and they never would admit you, would they? A They told me they would admit me.
Q But you never got any certificate did you? A No sir, they told me they would admit me.
Q They never did admit you, did they? A Mr. Crittenden told me he put me and my children on the roll.
Q But they can't find you , can they? A No sir.
Q Now, this man Josh Robbins died about seven years after the war? A Yes sir, about that long.
Q Do you know Moses Phillips at Westville? A Yes sir.
Q Was he any relation to the rest of the Phillips'?
A Yes sir, he was old lady Phillips's sister's son.
Q Now, where did you go in time of the war. Did you go north

or south or east or west? A We went out,--- north I reckon.

BY MR. CROUCH:
Q Tell him what point,- where did you go to.
A We went out on Red River, towards Texas.
BY MR. HASTINGS:
Q You don't know whether that was north, south, east or west?
A Went south, that's what they called it.
Q When you came back, where did you come to.
A We came on that prairie, out towards Westville, where old Aunt Liddy Quentin lived. I lived with her.
Q What year is this? A I couldn't tell you.
Q You don't know any years? A No sir, don't know any years at all.
Q Never did know any? A No sir.
Q How many people did you live with, and are you the mother of children by?
A I never lived with anybody but Joe Weaver and Josh Robbins
Q Never was married to either of them? A No sir.
Q Was Josh Robbins ever married before he lived with you?
A No, sir.
Q Did he ever marry anybody after he lived with you?
A Why no sir, he died, He died while he was living with me.

BY COMMISSION:
Q Where did Josh Robbins live when you first got acquainted with him? A He lived in the Cherokee Nation. He was born and raised here
Q In what place? A On Barren Fork
Q What District is that in? A In Goingsnake District
Q How long has Josh Robbins been dead? A I don't know, about seven or eight years. About seven or eight years after the war.
Q Where did he die? A He died up close to Westville.
Q You say it was about 1872 when he died? A Well, I don't know.
Q Did he die prior to the making of the 1880 Roll?
A Why, I don't know.

BY MR. HASTINGS:
Q Now, Auntie, this witness that was on the stand before, testified that Josh Robbins died when she was so young that she cannot remember her father, is that correct? A Yes,sir, that is correct.
Q Now this witness gives her age as 35 or 36 years?
A Yes sir.
Q Now if that be true, Josh Robbins must have died something like thirty years ago? A Well, you are right, Mr. Hastings.
Q Then you mean to say that Josh Robbins died about seven or eight years after the war, or about 28 or 30 years ago?
A Yes sir, you are right, Mr. Hastings, that is what I meant.

RACHEL WOODALL, being duly sworn, testifies as follows:

BY R. H. CROUCH:
Q What is your name? A Rachel Woodall
Q How old are you? A 38
Q Where do you live? A In Goingsnake , Indian Territory.
Q Is that in the Cherokee Nation? A In the Cherokee nation.

Q Do you live near where Emily Crittenden lives? A Live with Emily Crittenden.
Q Are you acquainted with Charlotte Newton? A Yes,sir.
Q Are you acquainted with Lottie Robbins? A Yes sir.
Q How long have you known them? A All my life
Q Are you related to them? A Half sister.
Q Do you know their father? A Yes sir.
Q What was his name? A Josh Robbins
Q How long did you know Josh Robbins? A Ever since I can remember.
Q Do you know when Josh Robbins died? A I remember when he died, but I don't remember the year when he died.
Q With reference to the close of the war, how long was it after the war closed; How old were you, or about how old, when Josh Robbins died? A I reckon I was about sixteen.
Q About 16? Were you that old? A No sir, I guess not, I made a mistake, I reckon I was about 13 or 14 years old when he died.
Q Did he and your mother, Emily Crittenden , live together as husband and wife? A Yes sir.
Q Were they living together as husband and wife when Charlotte and Lottie were born? A Yes sir.
Q Did Josh Robbins claim them as his children? A Yes sir.
Q What was your father's name? A George Woodall
Q Did you ever see him? A Yes sir.
Q You remember him? A Yes sir.
Q Where did he live? A Down on the prairie close to Westville.
Q Did he and your mother live together as husband and wife?
A They lived together about two years, I reckon.
Q Was this during the war that they lived together? A Yes sir
Q Do you know Israel Crittenden? A Yes sir.
Q What relation are you to Israel Crittenden? A He is my uncle.
Q What relation is Israel Crittenden to your mother?
A He is her half brother.
Q S o Israel Crittenden's father and your mother's father is the same person? A Yes sir.
Q What was his name? A Lewis Crittenden.
Q Do you know whether he was an Indian? A Yes sir, we was always told that he was an Indian.

BY MR. HASTINGS:
Q Now you are only testifying about what you have been told about the citizenship of these people, you were too young to remember yourself, now, weren't you.
A Well, sir, I was told by my mother.
Q Then all you know about these people is what you have been told? A Yes sir, I know my father, I remember him.
Q You get your Cherokee blood through your father? A Yes sir, and through my mother too.
Q Your mother has never been recognized as a Cherokee citizen?
A Well, she was told that she was recognized.
Q Were you present when she was told that? A No sir, but Henry Crittenden came home and told my sister.
Q You were not present at that time? A No sir.

Now comes the representative of the Cherokee Nation and moves to strike out this hearsay testimony and requests the Commission to instruct the witness to testify only to things that she knows of her own personal knowledge.

Q Now you know that your mother has been down to the National Council practically for the last 25 yearstrying to be admitted to citizenship in the Cherokee Nation, and that she has never been admitted, don't you?
A Yes sir .

Q You know that she has tried to get on every pay roll that has ever been made since the war, and she never has been put on, has she?
A Yes sir.
Q Did your father live with your mother until his death?
A She told me that she lived with him two years.
Q She lived with him two years? A Why that is what she told me.
Q You don't know them? A No sir.
Q You don't know anything of what you testify except what you have been told, do you?
A Well, I remember seeing him, my father.
Q When you were two years old? A (No response)
Q Now do you mean to say that your father and mother lived together two years, and during that time you were born and he died and still you remember your father? A (No response)
Q You must be mistaken about that, are you not, Mrs. Woodall?
A Well, I will take that back Mr. Hastings, I guess I don't remember that.
Q Well, do you remember seeing Josh Robbins ?
A Yes sir I remember seeing him.
Q Do you know about how long after the war Josh Robbins died ?
A No sir.
Q Your mother was never married to Josh Robbins was she?
A No sir.
Q Did Josh Robbins ever have any other wife besides your mother ?
A No sir.
Q And Josh Robbins died a few years after the war? A Yes sir
Q Do you think as much as seven years after the war?
A About seven years I reckon.
Q Now all this that you have talked about, about the citizenship of these people is what has been told you by your mother? Is that correct? A Yes sir.

BY COMMISSION
Q Do you remember your own father at all, Mrs. Woodall?
A No sir.
Q But you can remember Josh Robbins? A Yes sir.
Q You think he died a few years after the war? A Yes sir.
Q You were quite small when he died, were you? A Yes sir, I was tolerable small.
Q Where did Josh Robbins die? A Right there about a mile from where Westville is now.

LEWIS WEAVER, being duly sworn testifies as follows:

BY R. H. CROUCH:
Q What is your name? A Lewis Weaver.
Q Are you sometimes called Bullette Weaver? A Yes sir.
Q How old are you? A Born in '51 or '2 or '3, I don't know which.
Q You know you are about 52 or 53 years old? A Yes sir.
Q Where do you live? A In Goingsnake District.
Q Is that in the Cherokee Nation? A Yes sir.
Q Are you acquainted with Lettie Robbins, Charlette Newton and Rachel Woodall? A Yes sir, they are my sisters
Q Are they full sisters of yours? A No sir, only half sisters
Q Are you a son of Emily Crittenden? A Yes sir.
Q Well, was you acquainted with the father of Charlette Newton and Lettie Robbins. A Yes sir.
Q Who was he? A Josh Robbins.
Q How long did Josh Robbins and your mother live together?

A They lived together three or four or five years. About five years I reckon.
Q About when did they commence living together?
A After she x came back to the Nation, I don't remember how long it has been.
Q How long after the surrender, after the close of the war?
A Well, it was about a year, I suppose, or two, I don't know which. I was small.
Q How long did they continue to live together? A How long?
Q Yes? A How long you say they lived together?
Q Yes, Josh Robbins and your mother? A Why four or five years, until he died.
Q During the time they lived together were these two children, Charlotte and Lottie, born? A Yes sir.
Q You lived there with them? A Yes sir.
Q Did Josh Robbins claim these children as his children?
A Yes sir.
Q Was he a Cherokee Indian ? A Yes sir.
Q Do you remember when Rachel Woodall was born? A She was born the year peace was made I believe.
Q Do you know who was her father? A No, I don't know, only just what they said.
Q Who did they say was her father? A They said Woodall.
Q Which Woodall? A I don't know his name.
Q Did your mother and this man Woodall live together as man and wife before that? A I don't know.
Q Was Woodall a Cherokee Indian? A I don't know that, either.
Q Now, Bullette, from the time that your mother and Josh Robbins commenced living together as man and wife, did they live together until his death? A Yes sir.
Q Did you live with them? A Yes,sir, I lived there with them
Q Now Bullette, were you a slave before the war? A Yes sir
Q To whom did you belong? A Lige Phillips.
Q What was Lige's wife's name? A Sidney Phillips
Q Were they Indians? A The woman was, the old man was a white man.

BY MR. HASTINGS:
Q How many children was your mother the mother of? A How many'
Q Yes sir? A Blamed if I know, five or six or seven.
Q Do you mean to tell the Commission that you don't know?
A No sir, I don't mean to tell them I don't know.
Q That's what I am asking you now, then?
A Well she's got eight I believe living, or seven, I don't know which.
Q How many dead? A Got one.
Q How many childrn were born to her before the war? A How many ?
Q Yes, how many? A There were three or four of us, four, Hant and Tom and Mary and me.
Q Now how many were born since the war? A How many? three, I believe.
Q What were their names? A Charlotte and Lottie Robbins and Sam.
Q What's Sam's name, what name does he go by? A I couldn't tell you that, He is dead.
Q Was he older or younger than Charlotte? A Younger.
Q What name did he go by, his surname? A Sam King.
Q Did you say he was younger than Charlotte? A Yes, he was younger than Lottie. Lottie is the youngest of the girls.
Q Now your mother never was married to the father of any of these children? A Not that I know of.
Q Now, your mother has been an applicant for citizenship ever since the war, and they never have enrolled her, have they?
A Well, they told her she was all right on the rolls.

Q Well, you know she never drew any money in any of the payments, don't you? A Yes sir.
Q You know that Charlotte and Lottie never drew any money, don't you? A Yes sir.
Q You know that they have been applicants before the Councils and that they have gone to Council after Council, and that they have never got any certificate of admission, don't you?
A No sir.
Q How long did your mother live with the father of Sam?
A How long? I don't know.
Q Did she ever live with him? A I couldn't tell you that, that is something I don't know anything about. I can't tell you about nothing I don't know nothing about.
Q How long did she live with Josh Robbins? A Well, she lived with him five years, four or five years.
Q Begun when? A I could not tell you that.
Q Nor you can't tell when Josh Robbins died? A No sir, I can't, but I know they lived together, because I lived there with them.
Q Did she ever live with a man by the name of Woodall? A I told you awhile ago that I could not tell you that. I can't tell you unless I know.
Q I am trying to find out what you know? A Well ask me something that I know and I will tell you.
Q Well, you don't know what year Josh Robbins died?

BY COMMISSION:
Q You never knew Woodall, the reputed father of your half sister, Rachel? A Well, I have seen a man that they said was her a father.
Q Is that man dead? A Well, I couldn't tell you that, they say he's dead.
Q How old were you when Rachel was born? A How old was I, I couldn't tell you that, I was about 10 or 12 years old I reckon.
Q Then you ought to know whether your mother lived with a man by the name of Woodall? A There was one staying there; I don't know whether she lived with him or not.
Q Well, you say you saw him there? A Yes sir, I seen him there.
Q You don't know whether he was an Indian or not? A No sir, I don't know.
Q Do you know whether Josh Robbins was an Indian or not?
A Yes sir.
Q He was an Indian, was he? A Yes sir, he was.
Q Cherokee ? A Yes sir.
Q Who told you that? A Well, his granny, old Aunt Liddy Quentin, and his father, Levi Robbins, they was Indians.
Q Rachel was born, you say, the year peace was made? A Yes sir
Q You have been enrolled by this Commission, have you Mr. Weaver?
A I don't know, I went there, I don't know whether they put me on or not.
Q Have you been notified by the Commission that you have been enrolled? A Not that I know of.

ISRAEL CRITTENDEN, being duly sworn testifies as follows:

BY R. H. CROUCH:
Q What is your name? A Israel Crittenden.

Cherokee D-1220, Charlotte Downing-11

Q How old are you? A I don't know. I don't know my age.
Q About how old? A About, somewheres up in 50 or 60, somewheres along there, as near as I can tell.
Q Where do you live? A Live near Westville, Indian Territory.
Q Are you acquainted with Charlotte Newton? A Yes sir, a little acquainted.
Q How long have you known her? A Well, I couldn't tell long.
Q Well, have you known her all her life? A About all her life
Q Do you know Lottie Robbins? A Yes sir.
Q How long have you known her? A I have known her about the same as I have known Charlotte.
Q Do you know Rachel Woodall? A Yes sir, I have known her about all her life.
Q Do you know Emily Weaver? A Yes sir.
Q How long have you known her? A Ever since the war, and I got a little acquainted with her in time of th war, about th last of the war; about two years before the surrender.
Q Are you related, kin, to Emily Crittenden? A Well, I guess I am, because the old folks always said that my father and her father was the same. Different mother.
Q They always told you then, that you was a half brother to Emily Crittenden? A Yes sir.
Q Is she commonly known as Emily Crittenden? A Yes sir.
Q Do you know Josh Robbins? A Yes sir, I got acquainted with him in Polk County, Arkansas.
Q When was that? A That was during the war, and then after the war he came on out to the Territory .
Q Did you know him then in the Cherokee Nation after you came back to the Cherokee Nation? A Yes sir.
Q What time did you come back, as well as you remember?
A Well, it was near about two years I reckon , before I got back.
Q Do you mean two years after the close of the war? A Yes sir
Q Well, now, I will ask you if you knew whether Emily Crittenden or Emily Weaver, and Josh Robbins were living together as man and wife, when you came back to the Cherokee Nation from Polk County, Arkansas, after the war?
Q Yes sir, they lived that way.
Q Where did they live? A They lived out south side of where Westville is now.
Q Is that in the Cherokee Nation? A Yes sir.
Q What district is it in? A Goingsnake.
Q How long did they live together that way? A They lived together until he died.
Q Did they live in a house together, away from any one else, with their children? A They lived with my Aunt.
Q Who was your aunt? A Liddy Quentin.
Q Did they live in the house with her, or did they have a house to themselves? A Well, as well as I recollect, they all stayed together, but I wasn't there all the time.
Q During this time, do you know , whether Charlotte Newton and Lottie Robbins were born? A Yes sir.
Q Do you know whether Josh Robbins claimed them as his children or not? A No sir, I don't, I never did hear him myself.
Q They have went by the name of Robbins , have they, ever since?
A Yes sir.
Q And they have lived here in the Cherokee Nation all the time?
A Yes sir.
Q You have lived here ever since? A Yes sir, I have been in the Nation all the time.
Q Are you a Cherokee Indian yourself? A Yes, sir.

Q There do you get your Cherokee blood, from your father?
A From my father and mother both.
Q And you say that they told you that your father was the father of Emily Crittenden? A Yes,sir.

BY MR. HASTINGS:
Q How far did you live from where Westville now is, when Emily Weaver and Josh Robbins stayed over there at Aunt Liddy Quentin's
A About three miles.
Q Did you live that near all the time? A Yes sir, and I was there a heap:
Q Who did you live with? A Old man Joel Kelly.
Q He is not living now? A No sir.
Q You don't know who is the father of Emily Weaver, and is older than you? A Yes sir, a right smart older than I am.
Q She was a slave before the war? A I don't know.
Q You never heard that, now do you mean to tell the Commission that you never heard that?
A I never heard how it was, who she was a slave of.
Q Well, why did you say you never heard it?
A I did not understand the way it was asked.
Q And her mother was a slave, wasn't she? A Yes sir.
Q Now, you know that Emily Weaver and Charlotte Newton and Lottie Robbins have been trying ever since the war to be admitted by the Cherokee Council, and they have refused, haven't they? A I don't know whether they have been refused or not. They have always claimed.
Q But you know they have never been recognized? A I don't know as they have been recognized.
Q Don't you know that they have not been recognized?
A I couldn't say that I know they was not.
Q Why can't you say that? A Because I don't recollect, like a heap of people.
Q Then how can you recollect about Josh Robbins's citizenship when you never knew him but a few years after the war, when you have known this woman and these children ever since the war, Why can't you tell on one side if you can on the other?
A (No response)
Q You don't know, do you? A I don't know positive that they were.
Q You don't know positively that Josh Robbins was recognized do you, his name is not on any roll? A Yes, I know he was
Q How do you know it? A Well, the people told it, and then his own father was.
Q Now you never saw his father did you? A Yes, I have seen his father.
Q Now what roll was Josh Robbins on, and how do you know that he was ever recognized? A I don't know what roll he was on.
Q How do you know that he was ever recognized? A Well, I know by his old grandmother and his father, I have heard him talk, and he claimed him.

Q Now, when did you ever hear him claim him,.and where?
Q Well, at Quentin?s.
Q When? A I cannot tell you how long it has been.
Q Ten years ago? A I don't know how long it has been.
Q You don't know when you heard this talk, do you? A No sir
Q Were you ever a witness down at the Cherokee Councils for these people? A No, sir.
Q You never went down there for them? A No sir.
Q You never appeared for them as a witness before? A No sir
Q You never saw this woman and the father of Rachel Woodall living together did you? A No, sir.
Q Do you know who the reputed father of Rachel Woodall is?
A No, sir.
Q When did he die? A Well, I don't know when he died.
Q Well, he did not die until a long time after Josh Robbins died did he? A No.
Q Do you mean to say that the father of Rachel Woodall died after Josh Robbins died? A Yes,sir.
Q Were Emily Weaver and Josh Robbins ever married?
A No, not only under the old Cherokee law.
Q You know they never were married, don't you?
A Yes, I know they never was married.
Q And you never did know of them living together as husband and wife, in a separate house, do you? A They lived together, I don't know if they lived in a separate house.
Q They never lived in a separate house. They both stayed up at old Liddy Quentin's, didn't they? A Yes sir.

BY COMMISSION:
Q Israel, who was said to be the father of Rachel Woodall?
A I believe they called his name George Woodall.
Q You think it was George Woodall? A Yes sir, George.
Q When did he die? A I cannot tell how long it has been
Q Well, fifteen years ago? A Been about nine or ten years ago, I reckon.
Q Do you know whether or not he was a recognized Cherokee?
A He claimed to be part Cherokee.
Q Where did he live? A Why, when he died, I don't know where he lived, he had left there and come out in the Creek Nation.
Q Where did he live when Rachel was born? A Part of the time in Polk County, and then he come out to the Cherokee Nation
Q What district did he live in? A Goingsnake.
Q Was that where Josh Robbins lived? A Yes sir.
Q Do you know whether or not this Woodall was a Cherokee, of your own knowledge? A I couldn't j hardly say, but the people said that knew him better than I did, because I was just a kid like.
Q Did they say he was a Cherokee? A Yes sir.
Q Did this man Woodall ever marry any one else? A He was married afterward; after he came out in here I think to, a Creek woman.
Q When did you first know Emily Crittenden, or Emily Weaver?

A First knew her in Polk County.
Q Polk County, Arkansas? A Yes,sir.
Q After the war? A In time of the war, before the war closed.
Q She never was legally married to anyone was she?
A No, just under the old Cherokee laws, like they used to.
Q Do you know Bullette Weaver? A Yes sir.
Q He is a son of Emily is he? A Yes,sir.
Q These people have always been considered Freedmen by the Cherokee people haven't they, Colored people?
A Ever since the surrender, I suppose.

BY MR. HASTINGS:

Q Did you ever know of Emily Weaver living with the father of Rachel Woodall as husband and wife? A No, I never knew it.
Q Did you say you knew Josh Robbins in Polk County, Arkansas?
A Yes sir.
Q And he came bac here about two years after the war? A
A Yes sir.
Q You never heard of this woman living as husband and wife with Rachel Woodall's father, did you? A No, sir.

The attorney for the applicants asks that copy of the testimony this day taken in this case, be filed with and made a part of the record in the case of Lottie Robbins, Cherokee D-2901, and Rachel Woodall, Cherokee D-2443

-o-o-o-o-o-o-o-o-o-o-o-

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the above case, and that the above and foregoing is a full, true and correct transcript og her stenographic notes therein.

(Signed) Lucy M. Bowman.

Subscribed and sworn to before me this
30 day of November, 1904.

(Signed) Chas. H. Sawyer
Notary Public.

(S E A L)

Lucy M. Bowman, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of her original transcript in the above entitled ause.

Lucy M Bowman

Subscribed and sworn to before me this 21st day of December, 1904

Chas. H. Sawyer
Notary Public.

"Opp"
CR 618.

CR 618

IN RE

Application for Enrollment of

INFANT CHILD

Henry Brashears

as a citizen of

Cherokee Nation

Approved Feb 10 1905

Tams Bixby Commissioner.

Department of the Interior
Commission to Five Civ Tribes
Filed Feb 10 - 1905.

Tams Bixby
Chairman

Copy

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Henry Buckyhead (Give full name of child.), born on the 1 day of Jan. 1898

Name of Father: Robert Buckyhead a citizen of the Cherokee Nation.

Name of Mother: Charlotte Newton, nee Downing a citizen of the Cherokee Nation.

Postoffice Westville I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Charlotte Newton, nee Downing, on oath state that I am 57 years of age and a citizen by blood, of the Cherokee Nation; that I am the lawful wife of John Newton, who is a citizen, by adoption, of the Cherokee Nation; that a male (Male or Female.) child was born to me on 1 day of Jan., 1898 that said child has been named Henry Buckyhead, and is now living.

Charlotte her X mark Newton

WITNESSES TO MARK:

(Must be Two Witnesses.) John Newton
C A Hogg

Subscribed and sworn to before me this 2nd day of Feb 1905.

R.A. Couch
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Emily Weaver, a Midwife, on oath state that I attended on Mrs. Charlotte Newton, wife of John Newton on the 1 day of Jan., 1898; that there was born to her on said date a male (Male or Female.) child; that said child is now living and is said to have been named Henry Buckyhead

Emily her X mark Weaver

WITNESSES TO MARK:

(Must be Two Witnesses.) Rachel Woodall
John Newton

Subscribed and sworn to before me this 3 day of Feb, 1905.

R.A. Couch
Notary Public.

My Commission expires Jan 20 - 1907

C R 618 Entered 1c 105

20 C.R 618

IN RE

Application for Enrollment of

INFANT CHILD

[illegible] Berry [illegible]

as a citizen of

[illegible] Nation.

Approved FEB 10 1905 190

Commissioner.

(Application made for applicant dept 11/01 & listed for enrollment on page date on Card C.R. 618

[illegible]

[illegible] CHAIRMAN

Cherokee K 618 -
D 143

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MORE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Henry Bushyhead (Here insert name of child.), born on the 1st day of January 1898

Name of Father: Robert Bushyhead a citizen of the Cherokee Nation.

Name of Mother: Charlotte Newton, Nee Downing a citizen of the Cherokee Nation.

Postoffice Westville I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Charlotte Newton, nee Downing, , on oath state that I am 37 years of age and a citizen, by blood o., of the Cherokee Nation; that I am the lawful wife of John Newton, who is a citizen, by adoption, of the Cherokee Nation; that a male (Male or Female.) child was born to me on first day of January 1898; that said child has been named Henry Bushyhead, and is now living.

her
Charlotte Newton, Nee Downing
mark

WITNESSES TO MARK:

(Must be Two Witnesses) John Newton
C. C. Hogg

Subscribed and sworn to before me this 2nd day of February 1905.

R. H. Conch
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

Emily L Weaver, a Mid Wife, on oath state that I attended on Mrs. Charlotte Newton, Nee Downing wife of John Newton on the 1st day of Jany., 1898; that there was born to her on said date a Male (Male or Female.) child; that said child is now living and is said to have been named Henry Bushyhead

her
Emily L Weaver
mark

WITNESSES TO MARK:

Rachel

(Must be Two Witnesses) Rachel Woodall
John Newton

Subscribed and sworn to before me this 3rd day of February 1905.

R. H. Conch
Notary Public.

My Commission expires Jan 28-1908.

FILED
JUL 1- 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 9, 1906.

SUPPLEMENTAL PROCEEDINGS HAD IN the matter of the application for the enrollment of EMILY WEAVER et al, as Cherok e citizens, consolidating the applications of

[redacted]R?
Emily Weaver,----------M-348.
Thomas Kirk,---------- C D-1220.
Charlotte Downing,---------- C D-1220.
Peggie Whitmire et al,--------- C R-618.

APPEARANCES:
For applicants, R. H. Couch, Westville, I. T.
For the Cherokee Nation, James S. Davenport.

EMILY WEAVER, being first duly sworn, testified as follows:

BY MR. COUCH:
Q What is your name? A Emily Weaver.
Q What is your age, do you know how old you are? A No sir I don't know my age, but I guess I am about 50.
Q You don't know your age? A No sir.
Q Where do you live? A I live in Goingsnake District.
Q What is your post office address? A [redacted] Procter.
Q What is your mother's name? A Nellie Coleman.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A To Phillips.
Q Was Phillips a Cherokee Indian? A No sir, his wife was, you see I am thinking about his wife's estate her name was Sidney Phillips, she was a Crittenden when she was married.
Q What was your father's name? A His name was Lewis Crittenden.
Q Was he a Cherokee Indian? A Yes sir.
Q Where did he live? A In Goingsnake District and in Flint District.
Q In the Cherokee Nation? A Yes sir.
Q Were you a slave before the war? A Yes sir, he raised me, Phillips did.
Q Were they Cherokee citizens? A Yes sir.
Q Where were you born? A I was born in Flint District, in the Cherokee Nation.
Q How long did you live in the Cherokee Nation? A I lived in the nation until I was grown and they went out and when,------
Q Do you know where you went when the war commenced? A Yes sir, we went to the Choctaw Nation.
Q How long did you stay over there? A I stayed there until peace was made, I don't know how long, we went at the commencement of the war we went down.
Q Those people took you out now at the commencement of the war?
A Yes sir, and when they came back I wasn't able to come back.
Q Then when did you come back to the Cherokee Nation? A I came back a year after peace was made.

Q Next year after peace was made? A Yes sir.
Q You can remember the civil war, can you? A Yes sir.
Q And you can remember the year peace was made? A Yes sir.

Q Do you know what year it was? A No sir, I can't remember what year it was.
Q Whereabouts in the Choctaw nation did you live? A On Red River.
Q Who did you come back to the Cherokee Nation with? A With Will and Lidda Quinton.
Q Where did they settle? A They settled on Thomas' place.
Q Have you lived in the Cherokee Nation continuously since you came back? A Yes sir.
Q Never lived anywhere else? A I have lived anywhere else, I was born and raised here and when I come back I lived here, when they took me out I was grown then.
Q You had some children when they took you out of here? A No sir.
Q Is Lewis Weaver your son? A Yes sir.
Q Mary Crittenden? A Yes sir.
Q Are they on the rolls that you know of? A They said they were on the rolls.
Q Is Tom Ward your son? A Yes sir.
Q How many other children have you? A I have another boy, Rant, he is the oldest child I have got.
Q Is Charlotte Newton your daughter? A Yes sir.
Q Who is her father? A George Robbins.
Q Who did she first marry? A She first married Ellis Whitmire, but they were not lawfully married, they lived together.
Q Who did she marry next? A Downing, Tom Downing.
Q She is the Charlotte Downing who is an applicant for enrollment in the Cherokee Nation? A Yes sir.
Q Is Lettie Robbins your daughter? A Yes sir.

BY THE COMMISSION:
Q Has Charlotte Downing a child by Ellis Whitmire? A Yes sir.
Q Is that child living? A Yes sir.
Q Was she another child? A She has got another one by Bob Bushyhead.
Q Is Henry Bushyhead living? A Yes sir.
Q Are these children living with Charlotte now? A Yes sir.
Q Is Chrlette living? A Yes sir.

BY MR. DAVENPORT:
Q Now Aunt Emily you say you were grown when the war broke out?
A Yes sir.
Q Were you living when the war came on? A In the Choctaw nation.
Q Your people had left the Cherokee Nation and gone to the Choctaw Nation before the war began? A Yes sir.
Q How do you remember the name of what place you were living when yu you went to the Choctaw Nation? A No sir, they were not in any t towns.
Q How do you know you were in the Choctaw Nation? A They said we were right among the Choctaws.
Q You might have been in the Chickasaw Nation, mightn't you?
A No sir, it was the Choctaw.
Q Where were you from Braggs Depot or any of these places down there? A I don't remember anything about any towns.
Q Where did you go to get your spoils? A We went to a town there, I forget the name.
Q Who went down there with you? A I was took down there by Phillips people.
Q Who were they? A He was a white man and his family were Cherokee
Q Who was his family? A Sidney Phillips was a Crittenden before she was married.
Q You don't know what year you went to the Choctaw Nation? A No sir.

Q Nor do you know what year you returned from the Choctaw Nation?
A We returned from there the next year after peace was made.
Q How do you know it was the next year after peace? A Why we just stayed there and came back here, old Aunt Lidda Quinton came back here and bought her place.
Q Who was she? A She was a cousin of Sidney Crittenden, old Bill Crittenden's daughter.
Q You have nothing by which to impress it upon your mind that you came back the next year after war, have you? A No sir, I haven't.
Q You never made application before to be enrolled as a freedman did you? A Yes sir, they all told me I didn't have to make application, I would never need any, I was raised among the Cherokees and always remained here as a Cherokee.
Q Do you know whether you are on any of the rolls of the Cherokee Nation? A I was put on the rolls, I don't know whether I am on or not.
Q Did you at any time draw money when the Cherokees or freedmen were drawing? A No sir.
Q Did you make application to the Kern-Clifton Commission in 1897 to be enrolled as a freedman? A No sir, I always tried to get on the Cherokee rolls.
Q You always claimed you were a Cherokee by blood? A Yes sir.
Q And tried to be enrolled as such? A Yes sir.

LEWIS WEAVER, being first duly sworn, testified as follows:

BY MR. COUCH:
Q What is your name? A Lewis Weaver.
Q How old are you Lewis? A Going on 50.
Q Where do you live? A I live in Goingsnake District.
Q Are you on the rolls of the Cherokee Nation as Cherokee freedmen?
A Yes sir.
Q You have taken your allotment as a Cherokee freedman? A Yes sir.
Q What relation are you to Emily Weaver? A She is my mother.
Q Do you remember when the civil war commenced? A Yes sir, I was quite small.
Q Do you remember where you were when the war commenced? A No sir, I don't remember that.
Q Do you remember what time you came back to the Cherokee Nation after the civil war closed? A As well as I can recollect we came back with old Aunt Lidda Quinton.
Q You remember when the peace was made, do you? A Yes sir, I believe I do, I don't know the year, but I remember the time.
Q How long after peace was made until you came back to the Cherokee Nation? A We started back the next year after peace was made I believe as well as I can remember.
Q Where did you go to? A We come from the Choctaw Nation.
Q Where did you go to from the Choctaw Nation? A We come in Goingsnake District.
Q Was that the next year after peace was made? A I believe it was, I aint certain.
Q According to your best recollection was it? A I don't know, I believe it was, I couldn't positive say it was.
Q Do you know who you came back with? A We came back with old Aunt Lidda Quinton.
Q Do you remember where you settled when you came back? A Yes sir.
Q You came back at the same time of your mother? A Yes sir.
Q You all came back together? A Yes sir.
Q You have been admitted as a Cherokee freedman? A Yes sir.

Q Did you ever try to be enrolled as a Cherokee by blood? A Not that I know of.
Q You were born before the war and was a great big boy when the war broke out, wasn't you? A That is what I don't know.
Q You say you are 50 now, you were about 7 or 8 years old when the war broke out? A I don't know my age.
Q Where were you when you first remember anything about being a war, in Texas or Choctaw Nation? A In the Choctaw Nation.
Q Did you ever live in Texas during the war or after the war?
A No sir.
Q What point in the Choctaw Nation did you live? A Down on Red River.
Q How far from Doaksville, do you know anything about that? A Yes sir I remember that place.
Q Now you can't say what year you left that country and came back to the Cherokee Nation? A No sir.
Q No nothing about it at all? A No sir, only that I came back with Aunt Lidda Quinton.
Q Is she living or dead? A She is dead.
Q Is there any other person living besides you and Aunt Emily?
A None only Aunt Lidda Kelly.
Q What point did you return to after the war? A Barron Fork.
Q Near whose place? A Joe Starrs.
Q Is he living? A No sir he is dead.
Q Who is living over there that you came back to after the war that was living at that time? A I don't know any, I don't remember none.
Q Weren't there any people living over there but Joe Starr when you came back? A I remember coming back to his place.
Q How far from his place to some one elses? A I never seen any more places there where we lived there until we got out on the prairie.
Q Who were living on the prairie? A Coon and Ned Foreman.
Q Is any of them living? A Ned is.
Q He knows when you came back? A I guess so.
Q Have you had him as a witness in this case for your mother?
A No sir.

BY THE COMMISSION:
Q You said you came back with Lidda Quinton? A Yes sir.
Q was she any children living? A Aunt Nellie Kelly.
Q Is that her name now? A Yes sir.
Q Is she a freedman? A No sir.
Q She a Cherokee by blood? A Yes sir.
Q How old is Nellie Kelly? A I couldn't tell you that.
Q Is she older than you? A Yes sir.

EMILY WEAVER RECALLED:

BY THE COMMISSION:
Q What are the names of Nellie Kelly's children that came back with you? A Mrs. Fulton, Tom Kelly, and Wyley Kelly, and Rosanna and Nancy John.
Q Are any of those living now? A Yes sir, Tom Kelly and Rosanna and Jeff Vann's wife.
Q They are living in the Cherokee Nation? A Yes sir.
Q Now when you went down to the Choctaw Nation you were married, were you at that time? A No sir.
Q Didn't you have any children? A Yes sir, I had my eldest one this boy Lewis and Rant and Mary, I just had three.
Q Where was Thomas born? A In the Choctaw Nation.

Q That was sometime during the war while you were gone down there?
A Yes sir.
Q Do you remember when the Treaty of Fort Smith was? A No sir I don't remember.
Q Don't remember a thing about that? A No sir.
Q You have always claimed haven't you that you were a Cherokee by blood? A Yes sir.
Q As a matter of fact your mother was a slave? A Yes sir.
Q And your father and mother were never married? A No sir.
Q And you lived with your mother? A Yes sir.
Q Was your mother living when you went south to the Choctaw Nation?
A Yes sir she was but she wasn't with us.
Q What became of her? A She is dead.
Q I am talking now about the beginning of the war? A I don't know where she was, she was in Texas somewhere, she departed with me.
Q Sometime before the war? A Yes sir.
Q And you were kept on the farm? A Yes sir.
Q You say you belonged to Phillips? A Yes sir.
Q Is he living? A No sir, he is dead.
Q Any of his family living? A Yes sir, there is one girl living, Whitmire's wife.
Q How old is she? A I don't know.
Q Was she born before the war? A Yes sir.
Q What is her husband,s name? A Charley Whitmire.
Q And she is living today? A Yes sir.
Q Did you come back with Charley some time? A No sir I came back with old Aunt Lidda.
Q Is Lottie Robbins your daughter? A Yes sir.
Q Is she living? A Yes sir.
Q She living with you? A Yes sir.
Q Did you have any children when you went from the Cherokee nation to the Choctaw nation? A No sir I never had no children when my folks took me down there.
Q Then how many children were born to you in the Choctaw Nation?
A When wex went from where we lived before the war I had the three oldest ones.
Q What was their names? A Rant and Lewis and Mary, then Tom next.
Q These three oldest were born before the war? A No sir, long time of the war these three oldest ones.
Q At the beginning of the war how many children did you have?
A Them three oldest ones at the beginning.
Q And after the war commenced and after you went down to the Choctaw nation? A Tom was born.
Q Before you came back? A Yes sir.

This case will stand continued by mutual consent and agreement to June 22, 1905.

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 1st day of July, 1905.

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emily Weaver, et al., as citizens of the Cherokee Nation, consolidating the applications of:

Emily Weaver, et al.,	Memoranda 348
Thomas Kirk,	Cherokee D 963
Charlotte Newton,	Cherokee D 1220
Peggie Whitmire, et al.	Cherokee R 618.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee citizens were made to the Commission to the Five Civilized Tribes by Emily Weaver for herself and minor child, Lottie Robbins; by Susanna Kirk for, among others, her husband, Thomas Kirk, the others included in said application having been heretofore disposed of, their rights to enrollment as Cherokee citizens will not be considered in this decision; and by Charlotte Downing for herself and illegitimate minor children, Peggie Whitmire and Henry Bushyhead. Subsequent to filing her application herein the applicant, Charlotte Downing, was, on December 7, 1901, married to one John Newton, and she will now be listed for enrollment as Charlotte Newton. Copies of the testimony taken on July 19, 1900, at Westville, Indian Territory, in re application for the enrollment of Lewis Weaver, et al., as Cherokee Freedmen, case No. 1227, and on September 21, 1900, at Vinita, and on October 20, 1902, at Muskogee, Indian Territory, in re application of Thomas Kelly, et al., for enrollment as Cherokee citizens, case No. 3167, are filed herewith and made a part of the record herein.

THE RECORD FURTHER SHOWS: That, under date of October 8, 1901, the Commission to the Five Civilized Tribes rendered its

decision in certain Cherokee Memorandum cases, among others that of Emily Weaver, et al., Memoranda case No. 348, refusing, under the act of May 31, 1900 (31 Stat., 221), to assume jurisdiction of the application for the enrollment of Emily Weaver and her minor child, Lettie Robbins, as citizens by blood of the Cherokee Nation, and that said decision was, on January 3, 1902 (Departmental letter I.T.D. 5698-01), affirmed by the Department. And that subsequent thereto the said Emily Weaver and Lettie Robbins were identified on the Cherokee Census roll of 1896, and upon request of the Commission, the record in this case (Memoranda 348) was, on August 2, 1902 (Departmental letter I.T.D. 4641-1902), remanded by the Department "in order that a decision may be prepared in conformity with the facts as now shown, and for the purpose of taking additional testimony, if necessary."

THE RECORD FURTHER SHOWS: That all the applicants herein, in their original applications for enrollment applied as Cherokees by blood. In Departmental letter of November 20, 1903 (I.T.D. 5464-02), it was held that the said Emily Weaver, though of one-half Cherokee blood, could not be classified as a Cherokee by blood, but must be classified as a Cherokee freedman. This is considered authority for classifying as a Cherokee freedman, not only Emily Weaver, but also the applicant, Thomas Kirk, son of the said Emily Weaver, who, the evidence shows, was born about the year 1860. Said Departmental letter further rules that an illegitimate child of Emily Weaver supposed to have been born subsequent to the close of the rebellion and prior to the making of the 1880 roll, although of three-fourths Cherokee blood, identified on the Cherokee Census roll of 1896 as a Cherokee by blood, and whose alleged father is identified on the Authenticated Cherokee tribal roll of 1880 as a native Cherokee, was "not entitled to enrollment as a Cherokee by blood" and "took the status of her mother." This is considered authority for classifying as Cherokee freedmen the applicants, Charlotte Newton and Lettie Robbins.

It is not intended in this decision to consider or adjudicate any rights to Cherokee citizenship the applicants Thomas Kirk and Charlotte Newton, formerly Downing, may have acquired by virtue of their marriage to duly recognized citizens by blood of the Cherokee Nation, but only such rights to enrollment as the applicants herein possess as Cherokee freedmen, or Cherokees by blood.

Under the evidence in this case, and after an examination of the records in Cherokee Freedmen cases Nos. 1227 and 1259, and Cherokee cases Nos. 351 and 356, and the Cherokee tribal rolls of 1880 and 1896, it is respectfully submitted that the attached diagram, relative to material facts in this consolidated case, is approximately correct.

THE EVIDENCE IN THIS CASE SHOWS:

(1) That the applicants, Emily Weaver and Thomas Kirk, are mother and son and were the slaves of a Cherokee citizen at the commencement of the Rebellion; that during said rebellion they were living outside the limits of the Cherokee Nation, but later returned thereto and established a residence therein, and have since continuously resided in said Nation, and are identified on the Cherokee Census roll of 1896 as Cherokees by blood.

(2) That the applicants Charlotte Newton and Lottie Robbins are illegitimate children of the said Emily Weaver and one Josh Robbins, deceased, who was a Cherokee by blood, were born subsequent to the close of the rebellion and prior to the year 1880, have continuously lived in the Cherokee Nation since birth, and are identified on the Cherokee Census roll of 1896 as Cherokees by blood; that the minor applicants, Peggie Whitmire and Henry Bushyhead, are illegitimate children of the applicant Charlotte Newton, were born since 1890, have continuously lived in the Cherokee Nation since birth, and the former is identified on the Cherokee Census roll of 1896 as a Cherokee by blood, and the latter by a birth affidavit filed herewith and made a part of the record herein.(It is asserted that the minor applicants Peggie Whitmire and Henry Bushyhead, are children of Ellis Whitmire, deceased, and Bob Bushyhead, who, it is alleged, are Cherokees by blood

(3) That none of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880, and possess no rights to enrollment as Cherokee freedmen or as Cherokees by blood, other than as above indicated.

In view of the foregoing it is considered that in order to properly adjudicate said applicants' rights to enrollment as Cherokee citizens, on September 1, 1902, the only questions to be determined are:

Did Emily Weaver and Thomas Kirk return to the Cherokee Nation, after the rebellion, and establish a residence therein within the time specified in the Whitmire decree? and

Are the minor applicants, Peggie Whitmire and Henry Bushyhead, the children of fathers who were duly recognized citizens of the Cherokee Nation?

EMILY WEAVER, applicant, appeared before the Commission on September 11, 1901, at Fort Gibson, Indian Territory, and testified in part, as follows: I am about 60 years old, my post-office is Westville, I was born and raised in the Cherokee Nation, have always made my home here, and have never lived in any other place. I was an applicant for enrollment as a Cherokee citizen in 1896, but was denied.(The records of this office fail to show that this person was an applicant before the Dawes Commission, for citizenship in 189).

CHARLOTTE NEWTON, applicant, appeared before the Commission on September 11, 1901, at Fort Gibson, Indian Territory, an testified as follows: I am about 30 years old. My post-office is Westville, Indian Territory, and I am the daughter of Emily Weaver and Josh Robbins, deceased, who was a Cherokee by blood. I have two children, Peggie Whitmire and Henry Bushyhead, aged six and three years. Ellis Whitmire and Bob Bushyhead, a Cherokee by blood, are the fathers of my two children. I was not married to either of these men, and never lived with Ellis Whitmire, but did live with Bob Bushyhead about two months "when he went away and left me."

CHARLOTTE NEWTON, applicant, appeared before the Commission on October 18, 1902, at Tahlequah, Indian Territory, and further testified as follows: I have two illegitimate children, Peggie Whitmire and Henry Bushyhead. Ellis Whitmire, who died about five years ago, and Bob Bushyhead, both Cherokees by blood, are the fathers of my children. I never lived with Ellis Whitmire, but did live with Bob Bushyhead three or four months.

CHARLOTTE NEWTON, applicant, appeared before the Commission on November 15, 1904, at Muskogee, Indian Territory , but added nothing material to her former testimony.

EMILY WEAVER, in behalf of Charlotte Newton, same date and place, testified , in part, as follows: I was on Red River, towards Texas, during the war. After the rebellion I returned to the Cherokee Nation with Auny Liddy Quinton, and for sometime thereafter lived with her. I don't know what year this is, don't know any years at all, and never did know any.

LEWIS WEAVER, in behalf of the applicant, Charlotte Newton, same date and place, testified as follows: I was born in '51, '2 or '3, I don't know which, I know I am about 52 or 53 years old, and I live near Westville, Going-Snake District, Cherokee Nation. I am a son of Emily Weaver. My mother had four children born to her before the war: "Rant (Anthony),Tom and Mary and me" and four born since the war: Rachel, Charlotte (Newton), and Lottie Robbins and Sam King, who is dead. Sam was younger than Charlotte and Lottie. I don't know how long my mother lived with the father of Sam King. So far as I know my mother was never married to any of the fathers of her children.

ISRAEL CRITTENDEN, in behalf of applicants, same date and place, testified as follows: I am about 60 or 60 odd years old, and I live near Westville, Indian Territory. I have known Charlotte Newton about all her life. Also know her mother, Emily Weaver, who is my half-sister, same father. I became acquainted with Emily Weaver during the war. I knew Josh Robbins, became acquainted with him in Polk County, Arkansas, during the war. I returned to the Cherokee Nation about two years after the war closed, and found Emily Weaver and Josh Robbins living together with my aunt Liddy Quinton, about two miles south from here Westville is now situated, in Going-Snake District, Cherokee Nation.

ANTHONY (RANT) CRITTENDEN, in behalf of applicants, appeared before the Commission on November 16, 1904, at Muskogee, Indian Territory, and testified as follows: I am 55 years old and live near Hereford, Canadian District, Cherokee Nation. My mother, Emily Weaver, and Josh Robbins began living together in Going-Snake District, Cherokee Nation, about two years after the war closed, and lived together till Josh Robbins' death, several years later. Charlette and Lottie Robbins were born to Emily Weaver during the time she lived with Josh Robbins.

(The records of this Division fail to show that application for enrollment as a Cherokee citizen has been made for this witness, and he cannot be identified on any Cherokee roll in the possession of this office).

SUSANNA KIRK, in behalf of the applicant, Thomas Kirk, appeared before the Commission on December 13, 1900, at Tahlequah, Indian Territory, and testified as follows: I am 35 years old, am a Cherokee by blood, and live in Tahlequah District. My husband's name is Tom Kirk. We were married in 1882. He is about 40 years old, and is a son of Emily Crittenden (Weaver), and has lived in the Cherokee Nation all his life.

THOMAS KIRK, appeared before the Commission on February 21, 1905, at Muskogee, Indian Territory, and testified as follows: My mother's name is Emily Weaver and my father was named Robert Kirk, so my mother told me. I never saw him.

EMILY WEAVER, applicant, appeared before the Commission on June 9, 1905, at Muskogee, Indian Territory, and testified as follows: I don't know my age, I guess I am about 50. My postoffice is Preston, and I live in Going-Snake District. I returned to the Cherokee Nation the year after peace was made, but I can't remember what year that was. I returned with Will and Lidda Quinton, Mrs. Fulton, Tom Kelly and Wyley Kelly and Rosanna and Nancy John.

LEWIS WEAVER, in behalf of applicants, same date and place, testified as follows: I am going on 50 years old, and I

live in Going-snake District. Emily Weaver is my mother. After the war closed we (my mother and I) returned to the Cherokee Nation "with old Aunt Liddy Quinton". "We started back the next year after peace was made, that is, I believe it was, but I am not certain."

THOMAS KELLY, in behalf of applicants, appeared before the Commission on July 2, 1906, at Muskogee, Indian Territory, and testified as follows: I am about 52 years old and live in Cooweescoowee District. I became acquainted with Emily Weaver in Polk County, Arkansas, and have known her since before the war. We left after the war closed we, Emily Weaver, her children, myself and others, started for the Cherokee Nation and arrived in Going-snake District in February, '66. I was born in Sebastian County, Arkansas, moved from there to Polk County, Arkansas, and never lived in the Cherokee Nation prior to my removal here after the war. Elijah and Sidney Phillips (Cherokee owners of Emily Weaver) had been living in Polk County, Arkansas, for several years before the war came up. "I was married in '67 or '68, I think it was in the fall of '67 ---no, it was the fall of '66". I was married in Greenwood, Sebastian County, Arkansas, in the fall and came to the Cherokee Nation the next spring. We were on our road to the Cherokee Nation when I married. We had been to the Cherokee Nation before, but Emily Weaver was not with us. She came with us in the spring of '67. I can neither read nor write. My memory is not good and it might be such a thing that I am mistaken a year or two as to these dates. I know George Crittenden, who lives at Westville. I guess he knows when we came to the Cherokee Nation. Jack Alberty came to the Cherokee Nation ahead of us. I think Emily had five or six children when we came to the Cherokee Nation as above indicated. I was mistaken when I said Emily Weaver came to the Cherokee Nation in the spring of '66, it was in the spring of '67. I may be mistaken as to the year I was married, it may have been as late as the year 1868, but I don't think it was that late when we came to the Cherokee Nation. I know Tom Kirk. He was born in Arkansas, and was just big enough to ride a horse when we came to the Cherokee Nation after the war. The first time I came to the Cherokee Nation after the rebellion my father and grandmother were with me, I stayed about a week and went back to Arkansas, where I remained probably a month and we then started to the Cherokee Nation the second time, and came to Skullyville (Choctaw Nation) and made a crop there. My father went back from there and got my grandmother and these slaves. It was our third trip that Emily came with us. "I think me and my woman got married on the first trip". "We moved up to Skullyville County my second trip to the Cherokee Nation, and it was on our third trip to the Cherokee Nation that Emily Weaver came with us. I was married in the fall and about the first of the next February following we started on our third trip to the Cherokee Nation. We had two teams stolen after we left Skullyville for the Cherokee Nation and had to lay over down here just the other side of Fort

Smith. We stayed there about a week. Then we got across the river to Lees Creek and were water bound there a week or two". I don't know how long we were on the road this trip, but think it was in March when we arrived at our destination "for we sowed a few oats and put out a corn crop" upon our arrival.

In connection with the foregoing, attention is called to this witness's testimony given before the Commission on September 21, 1900, at Vinita, and on October 20, 1902, at Muskogee, Indian Territory, in his own behalf, Cherokee case No. 3167. Also to a letter written by said witness to Emily Weaver, under date of July 2, 1905, a copy of which is attached to the record herein.

ANTHONY (ANT) CRITTENDEN, in behalf of applicants, same date and place, testified as follows: I am about 55 or 56 years old and live in Canadian District. I am acquainted with Emily Weaver, she is my mother. I lived in Polk County, Arkansas, when the war closed, and left here and went to the Choctaw Nation in 1865. We left the Choctaw Nation in 1866, I don't remember what time in the year, and had traveled about one day when we lost our horses. We had not crossed the Arkansas river at the time our horses were lost. It was either in the fall or winter that we made this trip "and it was in 1867 that we got to where we were going." I think it was along in the spring that we arrived at our destination. We might have been a month and a half making this trip. We were detained several days at Lees Creek, Cherokee Nation, by high water. The party making this trip was composed of my mother, Emily Weaver, Thomas Kelly, Aunt Lydia Quinton, old man Kelly, and myself. I don't remember of having lived in the Cherokee Nation before the rebellion.

JOHN W. ALBERTY, in behalf of the Cherokee Nation, appeared before the Commission on July 27, 1905, at Muskogee, Indian Territory, and testified as follows: I am 71 years old, am a Cherokee by blood, and my postoffice is Westville. I have lived in and around the vicinity of Westville for seventy-one years. I knew Elijah Phillips. "He left (the Cherokee Nation) for Polk County, Arkansas, immediately after the Emigrant Payment, it was in, I reckon, about 1852". He moved to Arkansas with his effects and was living there when the war came up. I knew a slave named Nellie who belonged to this Phillips family, who was the mother of Emily Weaver, and who died prior to the commencement of the rebellion. Emily belonged to the Phillips family, was taken to Arkansas with them and was living there when the war came up. After the close of the rebellion I was living on the same place

that I am occupying now, which is about two and a half miles south of Westville. I knew Lydia Quinton, knew her before the war. She was a Cherokee by blood and was a cousin of mine. She returned to the Cherokee Nation after the rebellion in February, 1866. I remember this by reason of the fact that "I loaned her a wagon and team to move up there". I know that she brought Emily Weaver to the Cherokee Nation with her on the trip made in February, 1866. After the rebellion I left Texas on the first day of September, 1866, and landed in the Cherokee Nation the first week in October of the same year, and have since continuously lived in the vicinity of Westville. I made a crop near Westville the next year after my arrival, and the following fall Lige Phillips and Mrs. Quinton came to the Cherokee Nation to select a location. I loaned Mrs. Quinton a wagon to move with and the next February she returned, bringing with her some slaves, among others, Emily Weaver. Joe Weaver and old Levi Robbins also came with her on this trip. I know Tom Kelly, a Cherokee, but don't believe he came to the Cherokee Nation after the rebellion with Lydia Quinton. It seems to me he came in the fall of '66. Lige Phillips, Lydia Quinton and Emily Weaver were living on Red River , Choctaw Nation, when the war closed, and Lige Phillips, taking with him Emily Weaver, moved from there back to Polk County, Arkansas, in February, 1866, and made a crop there that year.

GEORGE CRITTENDEN, in behalf of Cherokee Nation, same date and place, testified as follows: I am 60 years old, and, with the exception of four years during the war, have lived in the vicinity of where Westville now is, all my life. I returned to the Cherokee Nation after the rebellion in the fall of 1867. I know Emily Weaver and Joe Weaver, also knew Lydia Quinton, but don't know when Emily Weaver and Lydia Quinton returned to the Cherokee Nation. I know when Joe Weaver returned, it was in the spring of 1868, and we made a crop together that year. Joe Weaver was the father of one of Emily Weaver's children. I saw Joe and Emily Weaver during the war. They were then at Lige Phillips' place in Polk County, Arkansas. Aunt Lydia Quinton was not living near Westville when I returned to the Cherokee Nation in 1867, and the first time I saw her was sometime in 1868.

WAT WHITMIRE, in behalf of Cherokee Nation, same date and place, testified as follows: I am 53 years old, am a Cherokee by blood, and my postoffice is Westville. I lived in the vicinity of Westville before the war, and after the rebellion returned there in the fall of 1866, where I have since continuously lived. I know Emily Weaver, the applicant. The first time I remember seeing her was in January or February, 1868. She had just come in from Polk County, Arkansas, and was with a company composed of the Phillips family, the Kelly family, the Quinton family, and my uncle, Moss Crittenden. I remember this because my father said

"Your old uncle Mose Crittenden has been gone from this country a good while and just got back". During the war we moved first to Cane Hill, Arkansas, then to the Choctaw Nation, on Red River, and were living there when the war closed. There were a good many Alberty's living in our neighborhood on Red River, but I never knew of Lige Phillips or Emily Weaver living down there. I saw Uncle Jack Alberty on Red River during the rebellion but don't know where he lived at that time. The first time I ever saw Lige P illips or Emily Weaver was in the year 1868, when Lige Phillips bought a farm near Westville. Emily at that time was at his house.

JOHN W. ALBERTY (Uncle Jack), recalled, testified as follows: I knew Watt Whitmire during the rebellion. I lived about thirty-five miles from him, in the Choctaw Nation, on Red River , I lived at the mouth of the Kiamichi river, and he lived up at the mouth of Island Bayou.

C A S E C L O S E D.

FINDINGS OF FACT AND CONCLUSION: It is considered that, following the ruling of the Department in the case of Benjamin Crittenden, et al., (I.T.D. 3484-02) supra., the applicants, Emily Weaver, Thomas Kirk, Charlotte Newton and Lettie Robbins, possess no rights to Cherokee citizenship as Cherokees by blood.

IT IS FURTHER CONSIDERED: That the evidence in this case shows that the applicants, Emily Weaver and Thomas Kirk, were the slaves of a Cherokee citizen at the commencement of the rebellion; that prior thereto and during said rebellion, they lived outside of the limits of the Cherokee Nation, and did not thereafter, remove to and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of James Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; and that all the other applicants herein were born since the close of the rebellion and possess no rights to enrollment as Cherokee freedmen other than as descendants of the said Emily Weaver.

IT IS FURTHER CONSIDERED: That after ample opportunity having been afforded, the evidence in this case fails to show that the applicants, Peggie Whitmire and Henry Bushyhead are the children of the said Ellis Whitmire, deceased, who, it is alleged, was

a Cherokee by blood, and the said Bob Bushyhead, who it is alleged, is a citizen by blood of the Cherokee Nation, consequently, the application for their enrollment comes within the ruling of the Department in the cases of Eliza Bryant, et al.(I.T.D. 544-04) William Rector (I.T.D. 1468-04) Minnie Duncan et al., (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4250-04), and Moses Rose (I.T.D. 4058-04). In connection with this last finding, attention is called to the case of Sallie Brooks, et al., Cherokee Freedman Rejected case No. 54, where, under a somewhat similar, but stronger, record relative to illegitimate descendants of recognized Cherokee citizens, it was held by the Commission that "Aside from the fact that the gross immorality the mother and alleged fathers of said minor applicants acknowledge themselves guilty of, is, in itself, sufficient to discredit their testimony, and render it of little value, it is considered by the Commission that to grant the application for the enrollment of illegitimate minor applicants on the testimony of the mother and putative fathers alone, would be to establish a dangerous precedent--one which could not be safely followed".

IT IS, THEREFORE, ORDERED AND ADJUDGED, that, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Emily Weaver, Lettie Robbins, Thomas Kirk, Charlotte Newton, Peggie Whitmire and Henry Bushyhead, are not entitled to enrollment as Cherokee Freedmen, nor as Cherokees by blood, and their applications for enrollment as such are accordingly denied.

Tams Bixby.
COMMISSIONER

Dated at Muskogee, Indian Territory,
this SEP 29 1905

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. H. BEACHAM
ACTING SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

C D 618

Muskogee, I. T., May 24, 1902.

Mrs. Charlott Downing,

Westville, I. T.

Madam:

Upon examination had in the matter of the application for the enrollment of your minor daughter Peggy Whitmire, it is found that you have failed to supply the Commission with a certificate of her birth. Inclosed you will find a blank form which you will fill out and return to the Commission.

You are reminded that the evidence required is essential in the disposition of the application for the enrollment of the said Peggy Whitmire, and your prompt attention to this request is urged.

Yours truly,

Acting Chairman.

1 inclosure

Register

Cherokee M 613.
[redacted].

Muskogee, Indian Territory, September, 10, 1902.

Charlotte Downing,

Westville, Indian Territory.

Dear Madam:

You are hereby directed to appear before the Commission to the Five Civilized Tribes at Tahlequah, Indian Territory, within fifteen days from date hereof, and submit evidence in the matter of your identification on the Cherokee tribal rolls prior to 1896; also, evidence as to the citizenship of your parents.

In the event that it is impossible for you to furnish this evidence, it will be necessary for you to introduce testimony as to the cause of your separation from your husband, James Downing.

Please give this matter your immediate attention.

Yours truly,

Acting Chairman.

Cherokee R 618,

Muskogee, Indian Territory, September 11, 1902.

John O. Rosson,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that Charlotte Downing of Westville, Indian Territory, has been directed to appear before you within fifteen days from date hereof, and submit further testimony relative to her identification on the tribal rolls of the Cherokee Nation prior to 1896; also, as to the citizenship of her parents.

In the event that it is impossible for her to furnish such testimony, you are requested to obtain evidence as to the cause of her separation from her husband, James Downing.

This testimony is to be filed in the case of Charlotte Downing for the enrollment of herself as a citizen by blood of the Cherokee Nation, Cherokee No. D 1220; also, in the case of Peggy Whitmire and Henry Bushyhead, Cherokee R 618.

Yours truly,

Acting Chairman.

Cherokee
~~Enrollment~~
R-618

Muskogee, Indian Territory, December 13, 1902.

Charlotte Downing,

Westville, Indian Territory.

Dear Madam:-

You are hereby directed to appear before the Commission to the Five Civilized Tribes at its offices at Muskogee, Indian Territory, on or before December 24, 1902, and testify relative to the rights of yourself and children to enrollment as citizens of the Cherokee Nation. You are requested to bring your mother, Emily Weaver, with you and have her testify as to your citizenship.

Please give this matter your immediate attention as your application for the enrollment of yourself and children will not be complete until this testimony has been received.

Respectfully,

Acting Chairman.

Register.

Cherokee D-1220

Cherokee R-616.

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Charlotte Downing and her two minor children, Peggie Whitmire and Henry Bushyhead, as citizens of the Cherokee Nation, you are advised that before the Commission can render a final decision in this case it will be necessary for further testimony to be introduced as to the identity on the Cherokee tribal roll and the citizenship of Josh Robbins, father of Charlotte Downing; also further testimony as to the identity and citizenship of Ellis Whitmire, father of Peggie Whitmire, and Bob Bushyhead, father of Henry Bushyhead.

The principal applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire, in rebuttal of that offered by the applicants.

Respectfully,

Commissioner in Charge.

Cherokee D-1220

Cherokee D-618.

Muskogee, Indian Territory, June 30, 1904.

Charlotte Downing,

Westville, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and your two minor children, Peggie Whitmire and Henry Bushyhead, as citizens of the Cherokee Nation, you are advised that before the Commission can render a final decision in this case it will be necessary that more testimony be introduced as to the identity on the Cherokee tribal roll, and the citizenship of your father, Josh Robbins; also further testimony as to the identity and citizenship of Willis Whitmire, father of your child Peggie Whitmire, and Bob Bushyhead, father of your child Henry Bushyhead.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee R-618.

Muskogee, Indian Territory, February 8, 1906.

Charlotte Newton,

Westville, Indian Territory.

Dear Madam:

The Commission is in receipt of affidavit executed on February 2, 1906, showing the birth, on January 1, 1906, of Henry Bushyhead, minor child of yourself and Robert Bushyhead. The same being in due form will be filed with and made a part of the record in this case.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Memo.348,

et al.

Muskogee, Indian Territory, May 22, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the applications for the enrollment of Emily Weaver, et al. as citizens of the Cherokee Nation, you are advised that before the Commission can render a final decision in these cases it will be necessary that further testimony be introduced tending to show whether or not the applicants were either slaves of Cherokee citizens or free colored persons residing in the Cherokee country at the commencement of the war of the rebellion, and whether or not they established their residence in the Cherokee Nation in compliance with article nine of the treaty of 1866.

The applicants have, therefore, this day been directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at Nine o'clock A. M. on Thursday, June 1, 1906, and introduce testimony as above indicated. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Tams Bixby.

Chairman.

COPY.

Muskogee, Indian Territory, September 29, 1908

The Honorable,

The Secretary of the Interior:

Sir:

There is herewith transmitted the record of proceedings had in the matter of the consolidated applications for enrollment, of Emily Weaver, et al., including the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1908, classifying Emily Weaver, Lottie Robbins, Thomas Cook, Charlotte Newton, Peggie Whitmire and Henry Bushyhead, as Cherokee Freedmen, and rejecting their applications for enrollment as such.

In connection with said consolidated case of Emily Weaver, et al., transmitted herewith, the Department's attention is invited to the case of Mary Crittenden, Cherokee Freedman No. 1209, formerly Cherokee D Bl, wherein it was held by the Commission to the Five Civilized Tribes, in its decision rendered on June 9, 1908, that the said Mary Crittenden, the evidence in said case showing that she was married to a citizen by blood of the Cherokee Nation, was entitled to enrollment as a citizen by intermarriage of said

Secretary--2

Nation, the record in said case being duly forwarded to the Department. On November 30, 1903 (Departmental letter I. T.D. 3484-03), without passing upon the question of the legality of a marriage between an Indian and a person of African descent, the Commission was ordered by the Department to enroll the said Mary Crittenden upon the Freedmen roll, and in pursuance of said order, her name was placed upon the Cherokee Freedmen schedule forwarded to the Department on November 2, 1904, and she is now included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on November 16 , 1904, opposite No. 3495.

The evidence in the said case of Mary Crittenden, Cherokee Freedman 1389, supra., shows the facts therein to be as follows:

That the said Mary Crittenden is identified on the Cherokee Census roll of 1896 as a native Cherokee, was born since the commencement of the rebellion, (It is respectfully submitted, however, that the evidence in the consolidated case herewith transmitted, shows that she was born prior to 1861), and is an illegitimate daughter of the said Emily Beaver, who was the slave of a Cherokee citizen at the commencement of the rebellion, and one Joe Beaver, a citizen by

Secretary--3.

blood of the Cherokee Nation, and who is duly identified on the Cherokee authenticated tribal roll of 1880, and is included in a partial roll of Cherokees by blood approved by the Secretary of the Interior on January 16, 1903, opposite No. 1102.

In said Departmental letter of November 20, 1902, supra., it was held by the Department that the said Emily Weaver "though half Cherokee blood, was not a Cherokee citizen until the amendment of Section 5, of Article III, of the Cherokee Constitution", said amendment including as Cherokee citizens, among others, those who complied with the provisions of Article IX of the Treaty of 1866 (Cherokee Freedmen); that Emily Weaver "having never married Joe Weaver, the child (Mary Crittenden) took the status of her mother", and that "Mary was therefore not entitled to enrollment as a Cherokee by blood though shown to be of three-fourths Cherokee descent".

The evidence in this case, C.T. 1259, however, fails to show that the said Emily Weaver had established a residence in the Cherokee Nation, after the rebellion, within the time specified in the Whitmire decree, which, under the theory that Mary Crittenden was born subsequent to the commence-

Secretary-4

ment of the rebellion, was a material fact, and necessary to be shown in order to entitle Mary Crittenden to enrollment as a Cherokee Freedman.

It is respectfully contended by this office that the evidence taken in the consolidated case of Emily Weaver, Numa 248, et al., herewith transmitted, shows that the said Mary Crittenden was born prior to, and was the slave of a Cherokee citizen at the commencement of, the rebellion; and that she resided outside the limits of the Cherokee nation during said rebellion, and did not return to and establish her residence therein, within the time specified in the said Whitmire decree.

It is therefore, respectfully recommended that if the Department affirms the decision of this office in the consolidated case of Emily Weaver, et al., herewith transmitted, that the case of Mary Crittenden, Cherokee Freedmen 1289, be [illegible] and enrolled.

Respectfully,

SIGNED Tams Bixby.

Commissioner

Through the

Commissioner of Indian Affairs.

Encl. R 100
1903

Cherokee D-1220,
Cherokee R-618.

COPY.

Muskogee, Indian Territory, September 30, 1905.

Charlotte Newton,

Westville, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting, among others, your applications for the enrollment of yourself and minor children, Peggie Whitmire and Henry Bushyhead, as Cherokee freedmen. There has heretofore been furnished your attorney, R. H. Cowen, Westville, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED.

Tams Bixby

COPY

Cherokee Memo.

348, et al.

Muskogee, Indian Territory, September 29, 1905.

E. M. Couch,

Attorney for Emily Weaver, et al.,

Westville, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applications for the enrollment of Emily Weaver, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Tams Bixby

Commissioner.

Inml. 8-128
Register

Cherokee Memo.

348, et al.

COPY.

Muskogee, Indian Territory, September 29, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1906, rejecting the applications for the enrollment of Emily Weaver, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl. 2-129

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
87305-1905.

November 7, 1905.

COPY

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of October 30, 1905, (I.T.D.14006), I have the honor to return the record in the matter of the application of Emily Weaver, et al., for enrollment as citizens of the Cherokee Nation, which was transmitted with Office report of October 23, 1905, and returned for further consideration, as requested in Office letter of October 25. The Commissioner to the Five Civilized Tribes, under date of September 29, 1905, classified Emily Weaver, Lottie Robbins, Thomas Kirk, Charlotte Newton, Peggie Whitmire, and Henry Bushyhead, the applicants, as Cherokee freedmen, and rejected their applications for enrollment.

Emily Weaver's mother, Nellie Cole, was of African descent and had no Cherokee blood. Emily Weaver is the daughter

of the said Nellie Cole and Lewis Crittenden, a Cherokee citizen. Lottie Robbins, Thomas Kirk, and Charlotte Newton, are children of Emily Weaver. Charlotte Newton and Lottie Robbins are her illegitimate children by Josh Robbins, deceased, a citizen by blood of the Cherokee Nation. Susanna Kirk is the wife of Thomas Kirk. Peggie Whitmire and Henry Bushyhead are the illegitimate children of Charlotte Newton. It is claimed by Charlotte Newton that Ellis Whitmire, deceased, was the father of Peggie Whitmire, and that Bob Bushyhead is the father of Henry Bushyhead, and that Ellis Whitmire and Bob Bushyhead were Cherokees by blood.

The Commissioner to the Five Civilized Tribes found that Emily Weaver and her son, Thomas Kirk, were the slaves of a Cherokee citizen at the commencement of the war; that during the war they were living outside the limits of the Cherokee Nation, but returned thereto and established a residence therein, and have since continuously resided in the Cherokee Nation. He, however, rejected all of the applicants, and takes the position that they are not entitled to enrollment as Cherokees by blood or as Cherokee freedmen under the provisions of the Act of June 28, 1898, (30 Stats. 495).

Susanna Kirk, wife of Thomas Kirk, is not a party to the case, and Mr. Bixby did not consider or adjudicate any rights to Cherokee citizenship Thomas Kirk and Charlotte

Newton, formerly Downing, may have acquired by virtue of their respective marriages to duly recognized citizens by blood of the Cherokee Nation, but confined his whole consideration of the case to such rights to enrollment as the applicants possessed as Cherokee freedmen or Cherokees by blood.

It appears to this Office that the first question to determine in this case is whether or not Emily Weaver and Thomas Kirk returned to and established a residence in the Cherokee Nation on or before February 11, 1867, in accordance with the provisions of the treaty of 1866, and second, whether applicants Peggie Whitmire and Henry Bushyhead, the illegitimate children of fathers who were recognized as citizens of the Cherokee Nation, should be enrolled if it is found that Emily Weaver did return to the nation in accordance with the provisions of the treaty mentioned.

Emily Weaver is enrolled on the Cherokee census roll of 1896 at No. 489, Thomas Kirk at No. 1956, Lottie Robbins at No. 1764, and Charlotte Kirk, now Newton, at No. 1872.

The testimony in the case as to the return of Emily Weaver and Thomas Kirk is very conflicting, and the Commissioner to the Five Civilized Tribes found that they did not remove to and establish a residence in the Cherokee Nation on or before February 11, 1867. Emily Weaver testified that she

was born and raised in the Cherokee Nation; that it was always been her home; and that she has never lived at any other place. She subsequently testified, however, that she returned to the Cherokee nation, the year after peace was declared, with Will and Lydia Quinton, Mrs. Fulton, Thomas Kelly, Wyley Kelly, and Rosanna and Nancy Johnson. Charlotte Newton was born after her mother's return to the Indian Territory, and she testified that Ellis Whitmire and Bob Bushyhead were the fathers of her illegitimate children, Peggie Whitmire and Henry Bushyhead; that she never lived with Ellis Whitmire, but did live with Bob Bushyhead two months. She subsequently said she lived with Bob Bushyhead three or four months.

The testimony of Lewis Weaver does not contain any information as to the return of Emily Weaver and Thomas Wirk.

Israel Crittenden testified that he returned to the Cherokee Nation about two years after the war closed, and found Emily Weaver and Josh Robbins living together with his aunt Lydia Quinton.

Anthony (Rant) Crittenden said that his mother, Emily Weaver and Josh Robbins began living together about two years after the war closed, and that Charlotte and Lottie Robbins were born to Emily Weaver during the time she lived with Josh Robbins.

The testimony of Susanna Wirk, with reference to the return of her husband, Thomas Wirk, and his mother, Emily

Weaver, is im-aterial, as she knows nothing about their return, being only 36 years of age.

Lewis Weaver testified that after the close of the war, he and his mother returned to the Cherokee Nation with Lydia Quinton, and that they started back the first year after peace was declared.

Thomas Kelly testified that Elijah and Sidney Phillips were the owners of Emily Weaver; that they had been living in Polk County, Arkansas, for several years before the commencement of the Rebellion; that he was married in 1867 or 1868 or 1866; that his marriage occurred during his return to the Cherokee Nation, and that Emily Weaver did not return with him, but that she returned in the Spring of 1867. This witness cannot read or write, and his memory as to his marriage seems to be indefinite. He first said it was in 1867 or 1868, and then that it was in the Fall of 1867, and again in the Fall of 1866. He also testified that Emily Weaver returned with him on his third trip to the Cherokee Nation.

Under date of July 2, 1905, Thomas Kelly addressed a letter to Emily Weaver, as follows:

"You started with us from Polk Co. Ark. for the Cherokee Nation in the fall of 1865, we got as far as Skullyville, Choctaw Nation & we was obliged to stop and make a crop in 1866, some of our horses & cows was stolen you remember, then we went on, & got to Goingenake District in Mch. of 1867. Yes, we was on our way before Jan.1,'67, but owing to our stock being stolen it was in Mch. before we got there."

Anthony (Rant) Crittenden subsequently testified that he and his mother, Emily Weaver, and others, left the Choctaw Nation in 1866; that they had travelled one day when they lost their horses "and it was in 1867 that we got to where we were going." He said that they arrived at their destination in Rhe Spring; that they were probably one and one half months making the trip, and that the party making the trip was composed of his mother, Emily Weaver, Thomas Kelly, Lydia Quinton, "old man Kelly," and himself. All of the witnesses above mentioned were summonsed before the Commissioner on behalf of the applicants.

John W. Alberty says that Elijah Phillips was the owner of Nellie Cole, mother of Emily Weaver; that Nellie Cole died prior to the commencement of the Rebellion, and that Elijah Phillips left the Cherokee Nation for Polk Co., Arkansas, immediately after the emigrant payment "about 1852." He also said that Lydia Quinton was his cousin; that she returned to the Cherokee Nation in 1868; that he loaned her a wagon and team with which to remove, and to the best of his knowledge in the Fall of 1866 Lydia Quinton and Emily Weaver were living on the Red River, in the Choctaw Nation.

George Crittenden saysthat he returned to the Cherokee Nation in 1867, but that he did not see Emily Weaver until sometime during the year 1868.

Wat Whitmire testified that the first time he remembers seeing Emily Weaver in the Cherokee Nation was in January

or February 1868. He further testified that during the war he removed to Cane Hill, Arkansas, then to the Red River in the Choctaw Nation, where he was living at the close of the war, but that he never knew of Emily Weaver living in that vicinity.

Mary Crittenden is a daughter of Emily Weaver, and the Department on November 20, 1903, (I.T.D. 3484-1902), in determining the Mary Crittenden case, said, in speaking of the amendment to Section 5 of Article 3 of the Cherokee Constitution, ---

"By this act of enfranchisement Emily Weaver and her daughter, Mary Crittenden became citizens of the Nation. Mary was therefore not entitled to enrollment as a Cherokee by blood though shown to be of three-fourths Cherokee descent. She was, however, and is shown to be entitled to enrollment as a Cherokee citizen upon the freedmen's roll. She was placed upon the 1896 census roll compiled by the Cherokee authorities. Being of three fourths Cherokee descent, born, and always resident in the Cherokee country, of a mother entitled to be enrolled as a citizen under the provisions of Article 9 of the Treaty of July 19, 1866 (14 Stat., 799,801), and actually enrolled by the Cherokee authorities, it cannot be said that her recognition and enrollment was either "by fraud or without authority of law." The roll of 1896 is evidence of her right, and the facts fail to negative the prima facie case thereby made for her by her enrollment and recognition by the Cherokee authorities as a citizen."

From the testimony of Thomas Kelly, Anthony (Rant) Crittenden and Lewis Weaver, it would seem that Emily Weaver and Thomas Kirk did not return to the Cherokee Nation on or before February 11, 1867.

The testimony of the other witnesses, both for and

against Emily Weaver and Thomas Kirk is to the effect that they did return before February 11, 1867, or that such witnesses did not see them in the Cherokee Nation until during the year 1868. Emily Weaver and Thomas Kirk might easily have been in the Cherokee Nation and in the Going Snake District without the witnesses having had knowledge of such fact.

This Office is of the opinion that the preponderance of the testimony shows that Emily Weaver and Thomas Kirk returned to the Cherokee Nation within the time limit fixed by the Treaty of 1866. Furthermore, in the Mary Crittenden case the Department has practically settled the status of Emily Weaver.

Under the position taken by the Department in the Mary Crittenden case, it appears to this Office that Emily Weaver, Thomas Kirk, Lettie Robbins, and Charlotte Newton, are entitled to enrollment as Cherokee freedmen, but not as Cherokees by blood, and it is recommended that the decision of the Commissioner to the Five Civilized Tribes, so far as these applicants are concerned, be reversed, and that he be directed to enroll them as stated.

The Office also considers that it is clearly shown that Ellis Whitmire, deceased, a Cherokee citizen, was the father of Peggie Whitmire, the illegitimate child of Charlotte Newton, and that Bob Bushyhead, a Cherokee citizen, is the father of Henry Bushyhead, also an illegitimate child

of Charlotte Newton. The Commissioner to the Five Civilized Tribes invited attention to the Commission's holding in several cases, and especially in the case of Mary Counsel, et al., wherein the Commission said:

"Aside from the fact that the gross immorality of the mother and alleged fathers of said minor applicants acknowledge themselves to be guilty of , is, in itself, sufficient to discredit their testimony and render it of little value, and it is considered by the Commissioner that to grant the application for the enrollment of illegitimate minor applicants on the testimony of the mother and putative fathers alone, would be to establish a dangerous precedent--one which could not be safely followed."

It appears to the Office that the position of the Department in the Nancy Ray case, November 22, 1902, (I.T.D. 5043-1902) is applicable to this case, and should be followed. Because of the immorality of the parents of these children, they should not be deprived of their citizenship in the Cherokee Nation, if entitled to such rights. In the Nancy Ray case the Department said:

"Had Congress intended to limit the right to those of legitimate descent, or descendants born in lawful wedlock, presumably it would have so provided. No reason can be assigned to exclude illegitimate descendants of male citizens and to admit such descendants of female citizens, except tribal law or usage. But tribal law or usage is not recognized by the act as authority for action of your Commission in respect to persons descended from persons born on the roll of 1880. In providing without limitation or reserve that descendants of such persons shall be enrolled, illegitimates, on either side, cannot be excluded without importing into the act words of limitation not enacted by Congress and in face of the facts that such words in a former act were ex industria excluded in framing the act in question."

It is believed by the Office that under the Department's holding in the Nancy Ray case, Peggie Whitmire and Henry Bushyhead are entitled to enrollment as citizens of the Cherokee Nation, but that under the position taken by the Department in the Mary Crittenden case, they should be enrolled as Cherokee freedmen, instead of as Cherokees by blood, and the Office recommends accordingly.

In order that the Department may have the entire record relating to the return of Emily Weaver before it, the record in the Mary Crittenden case is enclosed.

Attention is invited to the statements in the Commissioner's report recommending the rejection of the applicants in the Emily Weaver case, and that if such action be taken, the Mary Crittenden case be re-opened and reviewed.

It is requested that this report be substituted for Office report of October 22, 1908, (Land 75612-1908--79287-1908), relating to this same subject.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

G.A.W,
LCc.

Y.P.
FHE.

D. C. 81590-1905.
I.T.D.14654-1905.
LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 10, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of Indian Office letter of November 7, 1905 (Land 87305), in which it is recommended that your decision in the Cherokee freedman case of Emily Weaver, et al., be not concurred in. The case was submitted with your letter of September 29, 1905.

It is requested that you furnish the attorneys for the Cherokee Nation with a copy of the Indian Office letter, and advise them that twenty days will be allowed them within which to file any argument they may desire, evidence of service of a copy thereof upon the principal applicants to be furnished; also advise the principal applicants that they will be allowed ten days within which to reply to any argument made by said attorneys.

Respectfully,

(Signed) Thos Ryan
First Assistant Secretary.

Through the

Commissioner of Indian Affairs.

Muskogee, Indian Territory, December 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of November 10 (I.T.D. 14684-1905), there is transmitted herewith brief and argument on behalf of the Cherokee Nation in the Cherokee freedmen enrollment case of Emily Weaver, et al., (Memo 348), evidence of service of a copy thereof on R. H. Cowsh, attorney for applicants, being furnished. There is also transmitted herewith reply brief of said R. H. Cowsh. There is nothing to show that copy of this reply brief has been served on the attorneys for the Cherokee Nation.

You are advised that subsequent to the time the principal applicants in this case and their attorney were notified of Department's letter of November 10, in which the Nation was allowed twenty days to file any argument it desired, and the applicants ten days additional within which to reply to any argument made by the attorneys for the Cherokee Nation, Mr. Cowsh informally advised this office that he was a notary public, and

he was informed of the rules of the Department with reference to notaries public being permitted to practice before it. This office has not been advised as to whether or not Mr. Couch has surrendered his commission as a notary public for the Northern district of Indian Territory.

Respectfully,

Incl. S-106

Commissioner.

Through the
Commissioner of Indian Affairs.

Cher R 618

D. C. 2096-1906.
I.T.D. 132-1906.
LRS

Y.P.
FHR.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

January 10, 1906.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The argument in the Cherokee freedmen case of Emily Weaver, et al., by R. H. Couch for applicants, received with your letter of December 23, 1905, is inclosed to be returned to Couch.

It appears that he has not been admitted to practice before the Department, and the argument bears no evidence of service upon the attorneys for the Cherokee Nation.

You will advise the principal applicants of this action.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Cherokee
R 618

Muskogee, Indian Territory, January 20, 1906.

Peggie Whitmire,
Westville, Indian Territory.

Dear [redacted]:

You are hereby advised that this office is in receipt of Departmental letter of January 10, 1906, returning the argument of R. H. Couch in behalf of applicants in the Cherokee freedman enrollment case of Emily Weaver, et al., for the reason that he had not been admitted to practice before the Department and for the further reason that the argument bears no evidence of service upon the Attorneys for the Cherokee Nation.

Respectfully,

GHL

Commissioner.

Cherokee R618
~~Emma Doe et al.~~

Muskogee, Indian Territory, January 20, 1906.

R. M. Couch,

Westville, Indian Territory.

Dear Sir:

There is inclosed herewith argument filed by you in behalf of applicants in the Cherokee freedman enrollment case of Emily Weaver, et al. The argument was returned to this office with Departmental letter of January 10, 1906, to be returned to you with the advice that you have not been admitted to practice before the Department, and that the argument bears no evidence of service upon the Attorneys for the Cherokee Nation.

Respectfully,

Incl. GL-80.
GHL

Commissioner.

D. C. 12066-1906. COPY

WASHINGTON, D. C.
March 31, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, I. T.

Dear Sir:-

In re Cherokee Freedman enrollment case of Emily Weaver, et al. I desire to enter my appearance in behalf of Charlotte Newton, Peggie Whitmire, and Henry Bushyhead, applicants in the above entitled application. I am advised by the Indian Office that this case is now pending before your office.

I do not desire to file any argument at this time, but request that I be notified of your decision in the case, so that I may give the same any necessary attention when the record reaches Washington.

Thanking you in advance,

Very respectfully,

W. W. Wright.

Cherokee D-1220.

Cherokee R-618.

Muskogee, Indian Territory, April 7, 1906.

W. W. Wright,

Corcoran Building,

Washington, D. C.

Dear Sir:

This office is in receipt of your letter of March 31, asking that you be entered as attorney of record for Charlotte Newton, Peggie Whitmire and Henry Bushyhead, applicants for enrollment as citizens of the Cherokee Nation, and that you be notified when a decision is rendered in their case.

In reply you are advised that on September 29, 1906, the Commissioner to the Five Civilized Tribes rendered his decision rejecting the application for the enrollment of the above named applicants as Cherokee freedmen, and the same was, on that date, forwarded to the Secretary of the Interior for his review and decision.

You have been entered as attorney of record for these applicants and will be advised of any further action taken in their case.

Respectfully,

LS

Acting Commissioner.

Muskogee, Indian Territory, May 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith petition made by I. P. Bledsoe, Chotcam, Indian Territory, that the Cherokee enrollment case of Emily Weaver, et al. (Memorandum 348 et al.), be remanded to this office "for review and the introduction of new and material evidence recently discovered." There is also enclosed reply to said petition made by the attorneys for the Cherokee Nation.

On January 3, 1902 (I.T.D. 3698-1901), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated October 8, 1901, refusing, under the Act of Congress of May 31, 1900 (31 Stat., 221), to assume jurisdiction of the application for the enrollment of Emily Weaver and her minor child, Lettie Robbins, as citizens by blood of the Cherokee Nation; that subsequent thereto said applicants were identified on the 1896 Cherokee Census Roll, and upon request of the Commission their case was, on August 2, 1902 (I.T.D. 3841-1902), remanded to be readjudicated in the light of that evidence and for the purpose of taking additional testimony, if necessary.

In Departmental letter of November 20, 1903 (I.T.D. 3484-1903), it was held that Emily Weaver, though of one-half

Cherokee blood, could not be classified as a Cherokee by blood but must be classified as a Cherokee freedman. On September 29, 1905, the Commissioner, consolidating the application of Emily Weaber with those of her children and grandchildren, held that the applicants were not entitled to enrollment as Cherokee freedmen and their applications for enrollment as such were denied.

An examination of the petition shows that the "new and material evidence recently discovered" is an

> "Act of the National Council of the Cherokee Nation, I. T. admitting all of us to citizenship on December 15, 1869, an authenticated copy of which is hereby submitted also the statements of two old reliable Cherokees citizens by blood, showing our residence, standing and our return to the Cherokee Nation and our blood, family relations and our continuous residence therein since that time, (spring of 1868). Your petitioner would state that she is entitled to enrollment as a Cherokee by blood as her father Lewis Crittenden is an Indian (1/4 Cherokee) by blood and on the authenticated rolls of said Nation, and that she is also entitled to enrollment as a Cherokee freedman under the laws and treaties governing same, having been the slave of Sidney Phillips, a Cherokee Indian, and the wife of Josh Robins, a Cherokee Indian, by whom she had two children, (Charlotte & Lottie) whose father was Levi Robins."

The copy of the Act of the Cherokee National Council approved December 15, 1869, which is certified to by C. J. Harris, Assistant Executive Secretary of the Cherokee Nation, under the Nation's seal, shows that on that date, among others, Levi Robbins and family were readmitted to citizenship in the Cherokee Nation as Cherokees by blood. The

paper attached to the petition purports to be an affidavit signed by Gale Wright and Charles Whitmire, but is not sworn to. It is stated in this document that Gale Wright and Charles Whitmire have known the applicant Emily Weaver since the years 1866 and 1867; that she is a daughter of Charles Crittenden, a Cherokee by blood, and the slave of Sidney Phillips, a Cherokee, and that she returned to the Cherokee Nation in the spring of 1866, and that Josh Robbins, a son of Levi Robbins, is the father of Charlotte and Lettie Robbins.

A number of hearings have been had in the consolidated case of Emily Weaver, et al., and the testimony introduced, both for and against the applicants, is very voluminous. The action of the Cherokee National Council of December 16, 1869, readmitting certain persons to citizenship in the Cherokee Nation, when taken in connection with the record of proceedings had in this case, shows that said action could not be construed as admitting or recognising any of the applicants herein as Cherokee citizens.

There appears to be nothing in the petition or purported affidavit attached which was not considered when a decision was rendered in the case by the Commissioner on September 22, 1903. The Department has held that Emily Weaver could not be classified as a Cherokee by blood, and

Secretary--4.

it is admitted in the affidavit and petition that she did not return to the Cherokee Nation and establish a residence therein within the time limited by the Treaty of 1866.

It is, therefore, respectfully recommended that the petition be denied, and that this office's decision of September 29, 1908, rejecting the application be approved.

The Commissioner's decision in this case was forwarded to the Department with letter of September 30, 1908.

Respectfully,

Encl. 61-61.
GLH.

Commissioner.

Through the Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR, J. W. H.

I.T.D. 5698-1901. 10996-1906. Office of the Assistant Attorney-General, WASHINGTON.

February 15, 1907.

The Secretary of the Interior.

Sir:

By reference of November 17, 1906, I am in receipt of the papers in the Cherokee enrolment cases of Emily Weaver et al. and Mary Crittenden et al., with request for my opinion thereon.

The Mary Crittenden case was the subject of departmental decision of November 20, 1903. Therein it was found that Mary Crittenden is the daughter of the said Emily Weaver; that the latter is a Cherokee freedmen, and that, accordingly, the former should also be so classified and enrolled.

The Commissioner to the Five Civilized Tribes now decides adversely to the enrolment of Emily Weaver and her descendants as Cherokee freedmen. Although the Commissioner found that Emily Weaver and her son Thomas Kirk were the slaves of a Cherokee citizen at the commencement of the war, he concludes that they did not return to and "establish a residence" in the Cherokee Nation by February 11, 1867.

On November 7, 1903, in a communication of some length

and after a detailed analysis of the testimony, the Indian Office recommended that the applicants in the weaver case be all enrolled as freedmen, expressing at the same time the opinion that applicants Peggy Whitmire and Henry Bushyhead are also entitled to be enrolled as citizens by blood.

The testimony is to the effect that Emily weaver is at least a half-blood Cherokee, born in the Cherokee Nation about 1841. Her father was a Cherokee; her mother was a slave, having, it is claimed, some Indian blood. Prior to the war she was carried by a Cherokee family, with the consent of the Cherokee family to which she belonged, out of the nation. Before and during the war she was held in servitude, both in Arkansas and the Choctaw Nation, by the family in whose custody she had been placed. Apparently this family carred her from Arkansas into the Choctaw Nation in 1863 and there held her until the close of the war. In the fall of 1866, according to the testimony of the applicants, Emily weaver and her son started, with others, for the Cherokee country, arriving therein within the time fixed by the treaty of 1866.

In my opinion Emily Weaver, held as she was in restraint and servitude, never established or acquired a domicil beyond the limits of the Cherokee Nation. That has always been her home and her return thereto had no greater significance than the return of

any absentee to his home after a temporary absence. But even if it be true that in such cases the law places the same duty upon the applicants as it imposes in cases where, during the war, they voluntarily adopted other places than the Cherokee Nation as homes, still Emily Weaver and her descendants are entitled to enrolment. The Indian Office finds that the preponderance of evidence is to the effect that they returned to the Cherokee Nation in due time. I concur in this conclusion, which is corroborated by the fact that the national authorities themselves placed the name of Bullette or (Lewis) Weaver, son of Emily, upon the 1880 roll as an "adopted colored." They also enrolled her daughter, Rachel Woodall, on the 1880 roll of citizens by blood. Besides this, the Department found in said decision of November 20, 1903, which is evidently correct, that Emily's daughter, Mary Crittenden, was entitled to enrolment. It further appears that the names of all the applicants are borne upon the 1896 census roll of citizens by blood, except Henry Muskrat, who was born after the making of said roll. While the applicant' showing appears thus, the rebuttal testimony is, in the main, negative in character.

Applicant Tom Kirk was born about 1860, to the said Emily Weaver, then a slave. Born in slavery, he should be enrolled and classified as a freedman. He also claims by intermarriage as husband of Susan Kirk, nee Tadpole, a fullblood Cherokee, enrolled

in 1880, to whom he was married under a Cherokee license in 1882, but no determination as to his right by reason thereof is considered nece ssary herein.

Applicants Charlotte Newton, formerly Downing, Lettie Robbins, Peggy Whitmire, and Henry Bushyhead are the children and grandchildren of the said Emily Weaver and are accordingly entitled to enrolment as Cherokee freedmen. They were, however, born in the Cherokee Nation to fathers who were Cherokees by blood, subsequent to the time when Emily Weaver was emancipated. From her alone they are entitled to be classed as Cherokees of the mixed blood. They have always resided in the nation, and, as noted above, all save the youngest, who was born in 1898 , were enrolled in 1896 as citizens by blood. I see no "lack of right" to such enrolment or evidence that it was made without "authority of law," and, being prima facie correct, it should stand. See departmental decisions in the James Shirley and Mary Crittenden cases, dated, respectively, June 12 and November 20, 1903.

Charlotte Newton also claims enrolment by reason of intermarriage with J. M. Downing, a Cherokee by blood, to whom she was married in 1886, under the Cherokee law, but it is unnecessary to discuss herein what rights, if any, were acquired thereby.

The fact that certain of the applicants are of illegitimate descent does not affect their right to enrollment as citizens

by blood. That illegitimate children are included in the term "descendants," as used in the enrolment acts, is well settled by the decisions of the department in the Nancy May and James Shirley cases and by the opinion of my predecessor in the Corbray cases, dated June 28, 1902.

Accordingly it is my opinion, concurring in the main with the views of the Indian Office, that Emily Weaver and Thomas Kirk should be enrolled as Cherokee freedmen, and that the other applicants should be enrolled as citizens by blood of the Cherokee Nation; also that the decision of the department of November 20, 1903, in the Mary Crittenden case should not be disturbed.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-general.

Approved February 15, 1907.

E. A. Hitchcock,

Secretary.

C.R.W.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.14654-1905.
3574-1907.

February 18, 1907.

L.R.S.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with an approved opinion of the Assistant Attorney-General dated February 15, 1907, in the matter of the Cherokee enrollment cases of Emily Weaver et al. and Mary Crittenden et al., you are directed to enroll Emily Weaver and Thomas Kirk as Cherokee freedmen, and Charlotte Newton, formerly Downing, Lottie Robbins, Peggy Whitmire, and Henry Bushyhead as citizens by blood of the Cherokee Nation. A copy of said opinion is inclosed. A copy of Indian Office letter of November 7, 1906, was sent you November 10, 1905.

The papers in the case and a carbon copy of said opinion, also hereof, have been sent to the Indian Office for its filed.

Respectfully,

Thos Ryan,

1 inc. and 19 to Ind. Of. First Assistant Secretary.

A. F. McC.
2,1907.

Muskogee, Indian Territory, February 26, 1907

The Honorable,

Secretary of the Interior.

Sir:

February 18, 1907 (I.T.D. 14884-1905, 3674-1907), the Department directed this office to enroll Emily Weaver and Thomas Kirk as Cherokee Freedmen, and Charlotte Newton, Lettie Robbins, Peggy Whitmire and Henry Bushyhead as citizens by blood of the Cherokee Nation.

In accordance with this direction there is enclosed a Cherokee Freedmen schedule containing the names of Emily Weaver and Thomas Kirk. There is also enclosed a schedule of Cherokee Indians by blood containing the names of Charlotte Newton, Lettie Robbins, Peggy Whitmire and Henry Bushyhead. It will be noted that no roll numbers have been given the persons whose names appear upon the schedules herewith transmitted. This action was taken in accordance with procedure reported by me to the Department

Secretary.

on January 28, 1907, and approved by the Department February 9, 1907. It is recommended that numbers be placed upon these schedules in consecutive order by Mr. Hebert, the employe of my office now in Washington.

You are advised the Attorney for the Cherokee Nation protests against the enrollment of the persons whose names appear upon these schedules, and his protest filed February 21, 1907, is enclosed.

Respectfully,

Commissioner

Through the Commissioner of Indian Affairs.

Encl. 2-907

REFER IN REPLY TO THE FOLLOWING

Cherokee R 618

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 8, 1907.

Charlotte Newton,

Stilwell, Indian Territory.

Dear madam:

You are hereby advised that this office is in receipt of Departmental decision of February 18, 1907, granting your application for the enrollment of your children, Peggie Whitmire and Henry Bushyhead, as citizens by blood of the Cherokee Nation.

Respectfully,

MH

Commissioner.

Cherokee D-1220
D-963 R-618

Muskogee, Indian Territory, March 8, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear sir:

You are hereby advised that on February 18, 1907, the Secretary of the Interior directed the enrollment of Emily Weaver and Thomas Kirk as Cherokee freedmen, and Charlotte Newton, formerly Downing, Lottie Robbins, Peggy Whitmire and Henry Bushyhead as citizens by blood of the Cherokee Nation.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Enc. M-84

MM

Commissioner.

Cherokee D 1220-
D 963- R-618.

Muskogee, Indian Territory, March 8, 1907.

W. W. Wright,
Attorney for Emily Weaver, et al.,
Washington, D. C.

Dear sir:

You are hereby advised that on February 18, 1907, the Secretary of the Interior directed the enrollment of Emily Weaver and Thomas Kirk as Cherokee freedmen, and Charlotte Newton, formerly Downing, Lottie Robbins, Peggie Whitmire and Henry Bushyhead as citizens by blood of the Cherokee Nation.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Commissioner.

Enc. M-62

MM

Cherokee D-1220
D-963 R-618

Muskogee, Indian Territory, March 9, 1907.

I. P. Biedsoe,

Attorney for Emily Weaver, et al.,

Chouteau, Indian Territory.

Dear Sir:

You are hereby advised that on February 18, 1907, the Secretary of the Interior directed the enrollment of Emily Weaver and Thomas Kirk as Cherokee freedmen, and Charlotte Newton, formerly Downing, Lottie Robbins, Peggie Whitmire and Henry Bushyhead as citizens by blood of the Cherokee Nation.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Enc. M-83

MH

Commissioner.

D.C.28533-1907.

DEPARTMENT OF THE INTERIOR, GAW

I.T. 47849-1907. OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

June 8, 1907.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Ind. Ter.

Sir:

On May 17, 1907, the Department denied motion of the Attorney for the Cherokee Nation to review and reverse Departmental decision of February 18, 1907, in the matter of the application of Emily Weaver, et al, for enrollment as citizens of the Cherokee Nation. You are requested to advise the interested parties of the Department's action.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

SAE-GH.

476

REFER IN REPLY TO THE FOLLOWING:

Cherokee F 10997.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 11, 1907.

Peggy Whitmire,

Westville, Indian Territory.

Dear Madam:

You are advised that the motion of the Attorney for the Cherokee Nation to review and reverse Departmental decision of February 18, 1907, in the matter of the application for the enrollment of yourself and your half brother, Henry Bushyhead, as Cherokee freedmen was denied by the Department on May 17, 1907.

Respectfully,

S.W.

Commissioner.

Cherokee F
1563 et al.

Muskogee, Indian Territory, June 11, 1907.

I. P. Maddox,

Attorney for Emily Weaver, et al.,

Westville, Indian Territory.

Dear Sir:

You are advised that the motion of the Attorney for the Cherokee Nation to review and reverse Departmental decision of February 18, 1907, in the matter of the application for the enrollment of Emily Weaver, et al., as Cherokee freedmen was denied by the Department on May 17, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

Encl.WS.
S.W.

Commissioner.

Cherokee F
1853 et al.

Muskogee, Indian Territory, June 11, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are advised that your motion to review and reverse Departmental decision of February 18, 1907, in the matter of the application for the enrollment of Emily Weaver, et al., as Cherokee freedmen was denied by the Department on May 17, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

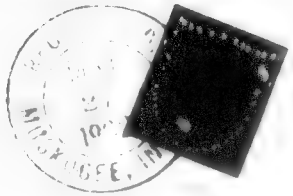
Encl.W-6.
S.W.

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.









Department of the Interior.
Commissioner to the Five Civilised Tribes,
MUSKOGEE, IND. TER.



Charlotte Newton,

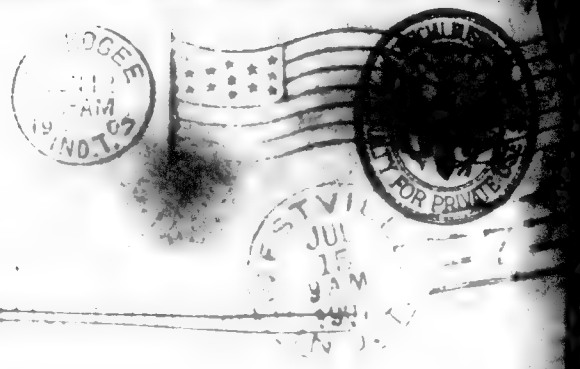
~~Stilwell~~, Indian Territory.


JUN
12

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCEE, IND. TER.



Cher 10998 Charlote Newton (Downing)

Trans from Cher D 1220

Cher 10998

D1220

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
SEP 12 1901

Acting Chairman

•R•

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. September, 11,1901.

In the matter of the application of Charlott Downing for th enrollment of herself and two children as citizens of the Cherokee Nation by blood. She being duly sworn and examined by the Commission testified as follows:

Q What is your name? A. Charlott Downing.
Q About how old are you? A. About 30 I guess
Q What is your post office address? A. Westville.
Q Is that in the Cherokee Nation? A. Yes sir.
Q In what district do you live? A. Goingsnake.
Q Do you apply for enrollment as a Cherokee by blood? A Yes sir.
Q Do you apply for anyone besides yourself? A. I have got two children.
Q What are their names? A. Peggy Whitwire.
Q How old is Peggy? A She is five going on six.
Q What is the name of the next one? A. Henry Bushyhead.
Q Is that all, just the two children? A Yes sir.
Q How old is Henry? A. Three years old.
Q Are these children both alive and living with you at the present time? A. Yes sir.
Q Where were you born? A In the Cherokee Nation.
Q Have you lived here all your life? A. Yes sir.
Q Have you ever made your home any where else? A. No sir.
Q Did you ev r apply for enrollment in any othertribe or nation? A.
A No sir.
Q What is the name of your father? A. Josh Robbins.
Q Is he living? A. No sir.
Q Was he a Cherokee or a white man? A. Cherokee.
Q What is the name of your mother? A Emily Weaver.
Q Is she living now? A. Yes sir hat is my mother sitting over there
Q Is she a Cherokee by blood? A. Yes sir.
Q How much Cherokee blood do you claim? A. I guess I am about half.
Q What is the name of your husband? A Jim Downing.
Q When were you married to him? A. In '86 I think.
Q Were you ev er married to any other man before you married him? A.
A No sir.
Q Who is the father of Peggy? A Ellis Whitwire.
Q You were not married to him? A. No sir.
Q Who was the Father of Henry Bushyhead? A. Bob Bushyhead.
Q Was he a Cherokee by blood? A. Yes sir.
Q You were not married to him? A. No sir.

The applicant presents a certified copy of a marriage certificate showing that J.M.Downing and Charlett Robbins were united in marriage on the 5th day of March 1886 by J.R.Wright,Clerk of Goingsnake district, Cherokee Nation . Same is filed herewith.

Q Does your name appear upon the roll of 1880? A I dont know, I guess it is.
Q What district did you live in 21 years ago? A Goingsnake.
Q Did you have any brothers or sisters? A. Three sisters.
Q State their names please? A Lotty,Mary and Rachel.
Q Are they all older than you? A. One younger and two older,Lotty is younger.
Q Did you ever draw any money from the Cherokee Nation? A. No sir.
Q Never drew any? A. No sir.
Q Did you apply to the Commission to the Five Civilized Tribes in 1896 for enrollment as a Cherokee citizen? A. Mother did I think.
Q Were you admitted to citizenship or were you denied? A. Mother come ——— mother said she wasn't denied here.

EMILY WEAVER, called and sworn as a witness for the applicant testified as follows:
Q What is your name? A. Emily Weaver.
Q How old are you? A. I cant exactly tell,reckon about 50 or 60.

Q What is your post office address? A. Westville.
Q Are you a Cherokee by blood? A. Yes sir that is what I claim.
Q Have you ever been recognised as a citizen of the Cherokee Nation? A Yes sir I was here.
Q When? A. They gave me my citizenship here by act of Council they told me.
Q When was it? A Here's my papers you can look at them. (Hands Commission papers)

The applicant presents certain papers praying the Cherokee Council for admission to citizenship in the Cherokee Nation. It does not appear from them that any action was ever taken by the Cherokee Council as far as the papers are concerned and they are returned to the applicant.

Q Did you ever draw any money from the Cherokee Nation? A. No sir.
(By Commission of Applicant)
Q You husband Jim Downing,is he a Cherokee by blood? A. Yes sir.
Q Is he living? A. No sir.
Q When did he die? A Ten years ago.
Q Have you ever arried since his death? A. No sir.
Q Did you ever live with Ellis Whitmire? A. No sir.
Q Never kept house with him? A. No sir.
Q Did you ever live with Bob Bushyhead? Did you ever live with him or keep house with him for any length of time? A. Two months I guess, but he went off and left me.
Q About how old would your husband Jim Downing be if he were living to-day? A. I dont know just how old he would be.
Q Was he considerable older than you or younger? A Yes sir he was older.
Q What was his father's or mother's name? A. I dont know.
Q How long did you know him before you married him? A About thee years
Q Had he always been living in Goingsnake district? A No sir he lived on Grand river.
Q In what district? A. I dont know just what district it was.
Q Did you ever have any children by Jim Downing? A No sir.
Q Did he have any children at all? A No sir.
Q Was he married before he married you? A No sir not until he married me

The 1880 authenticated roll of the Cherokee Nation examined for the name of the applicant's husband,and he is identified thereon as follows:
Page 750 No. 581, Jim Downing,Tahlequah district,Native Cherokee 18 years of age

(By W. W. Hastings, Cherokee Representative)
Q How long did you live with Jim Downing? A. Two and a half years.
Q Continuously? A. Yes sir.
Q Didn't live with him until his death? A. No sir.
Q Where did you live with him? A. On Tyner's Creek in Goingsnake.
Q How far from Rich Wolf's? A Five miles I reckon.
Q What made you quit him? A. I didn't quit him, he went off on Grand river and didn't come back any more.
Q You didn't have any children by him? A. No sir.
Q Were you and he keeping house separately? A Keeping house right t here with my mother.
Q And have you been living with your mother ever since he left? A. Yes sir.
Q Was it where you live now in Goingsnake that you and Jim Downing lived? A Three miles below where we live now.
Q Why didn't you come to us at Westville and apply? A. I went there but they was through.
Q Why didn't you come to us at Tahlequah? A I didn't have no way to come or I would have gone there.
Q And you state now that you have never married or lived with any one since you and your husband Downing separated? A. No sir.
Q How long had you known Downing before you married him? A. Three years I said -- three and a half years.
Q He was living on Grand river and you was living in Goingsnake? A Well we lived on Grand river about a year and and then we moved to Goingsnake

and he came there and we got married.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 743 No 695,Charlott Downing, Native Cherokee,Goingsnake District.

Applicant not found on the 1880 authenticated roll of he Cherokee Nation.

By the Commission- Charlott Downing applies for the enrollment of herself and two children as Cherokees by blood. She avers that she has lived in the Cherokee Nation all her life; she is identified upon the census roll of 1896 as a native Cherokee;she produces satisfactory proof as to her marriage on March,5th 1886, to one Jim Downing,and the said Jim Downing is identified upon the authenticated roll of 1880 as a native Cherokee. She states that she lived with the said Downing for about two and a half or three years and that they then separated. She also states that she has not married since the separation from the said Downing She has two children,Peggy Whitmire and Henry Bushyhead. The said Peggy Whitmire is a daughter of one Ellis Whitmire, and Henry Bushyhead is a son of one Bob Bushyhead. She states that she was never married to either the said Whitmire or the said Bushyhead. By reason of the fact that she is not identified upon any of the rolls of the Cherokee Nation except the census roll of 1896,it would appear that she is not entitled to enrollment as a Cherokee citizen by blood; but it appears that she may be entitled to enrollment as a citizen by intermarriage,In as much as she avers that she was never married to the fathers of her two children, the application which she makes as to their enrollment will be rejected and their names will be placed on a rejected card. The said Charlott Downing,will be duly listed for enrollment on a doubtful card and when the final decision of the Commission is finally rendered as to the matter of the application made for herself and her two children ,she will be duly notified of the same by mail at her present postoffice address.

The 1896 census roll of the Cherokee Nation examined for the name of her children and there is found the name of her oldest child,as follows:
Page 810 No.3518,Peggie Whitmire, Goingsnake district.
Note: "Child of Charlott Downing."

By the Commission: Upon further examination of the census roll of 1896 it appears that the said Peggy Whitmire is identified upon said roll as a native Cherokee, but it is not thought that the enrollment of this child in 1896 would in any way change its status and its enrollment will therefore not be changed.

§ § § § § § §

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes,that he reported in full all the proceedings in the above cause and that the foregoing is a full and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 11th of September,1901.

Commissioner.

D1220

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 11 1901

Acting Chairman.

G. Snake
Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date Sept 11th 1901.

Name Wauhillau, I. T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

1. Wife's name Charlotte Downing

District G. Snake. Year 1896 Page 743 No. 695

Citizen by blood 1/8 1/2 Mother's citizenship Parents { Josh Robins d. b-her; Emily Weaver d. b-her

Intermarried citizen

Married under what law Date of marriage 1886

License Certificate

Names of Children:

2	Dozair Thlumin	Dist. G. Snake	Year 96	Page 810	No. 2516	Age 5
3	Henry Bushyhead	Dist.	Year	Page	No.	Age 3
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age

Application by #1 Stenographer Does own Typing

1 on 1896 Roll as Charlott Downing.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 11 1901

ACTING CHAIRMAN

J.M.Downing , Charlotte Robbins,

This to certify that I have this day joined Mr.J.M.Downing and Charlotte Robbins in the bonds of holy wedlock,Bowing age 24 years,Robbins,a citizen of the United States and age 16 years

Wit, (Aaron Wilkerson
(Deliah Sanders.

J.R.Wright,Clerk Going Snake
Dist.C.N. March 5th 1886.

Executive Office Cherokee Nation,
Tahlequah I.T.

I,B.W.Alberty,assistant Executive secretary of the Cherokee Nation do hereby certify that the fomegoing is a true copy taken from the marriage record of Going Snake District Cherokee Nation,now filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 16th day of September 1901.

B. W. Alberty

Assistant Executive secretary,
Cherokee Nation.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
SEP 17 1901
932

D1220 CD1220

DEPARTMENT OF THE INTERIOR
BOARD OF INDIAN APPEALS
FILED
MAR 31 1992

Supl.-C.D.#1220.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 21, 1902.

SUPPLEMENTAL in the matter of the enrollment of CHARLOTTE DOWNING as a citizen of the Cherokee Nation:

The applicant was notified by registered letter March 1, 1902 that her application for the enrollment of herself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 21st day of March, 1902, and that she could on said date appear before the Commission either in person or by attorney when an oppertunity would be given her to introduce any additional testimony affecting her application: The applicant has this day, to-wit: the 21st day of March, 1902, been called and failing to respond either in person or by attorney, the case is deemed completed and will be reported to the Commission for final decision based upon the evidence now of record.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings above, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

JOR.
Cher. D-1220.
Cher. R-618.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 18, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of CHARLOTTE DOWNING and her two children PEGGY WHITMIRE and HENRY BUSHYHEAD as citizens by blood of the Cherokee Nation.

Appearances:
W. W. Hastings, attorney for Cherokee Nation.

CHARLOTTE DOWNING, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: Whatis your name? A Charlotte Downing.
Q How old are you? A I don't know exactly how old I am.
Q How old do you think you are? Thirty-five or forty, somewheres along there? A Yes sir, I guess I am.
Q What is your post office address? A Westville.
Q Have you made application to this Commission for enrollment?
A Yes sir.
Q As what, a Cherokee by blood or intermarriage? A Yes sir, I tried for Cherokee by blood, that is all I want to try for.
Q You claim to be a Cherokee by blood? A Yes sir.
Q What was the name of your father? A Joshua Robbins.
Q He is dead, you state? A Yes sir.
Q About how long has he been dead? A He has been dead, I reckon, about ten years, maybe longer than that. He died up here on the prairie close to Westville.
Q About how old were you when he died? A I was about five years old. I was a little fellow just beginning to walk.
Q Do you remember your father? A No sir.
Q He has been dead considerably over ten years? A Yes sir.
Q What is the name of your mother? A Emily Crittenden.
Q Is she living? A Yes sir.
Q Is that her present name? A Yes sir.
Q To what nationality does she belong, white woman or what?
A She is a Cherokee. She claims to be part Cherokee.
Q Does she claim to be a Cherokee by blood? A Yes sir.
Q What other blood has she? A I think she has got a little colored blood, but she don't look like it, mighty little if she has any.
Q Has she made application to this Commission for enrollment as a citizen by blood or adoption? A By blood. But she said if they would not give her a right, she would like to have you give the children a right. I have got one sister, Eliza Robbins, and we can get proof to prove that Joshua Robbins was our daddy--
Q Where have you lived since you can first remember? A We lived up here on the Prairie.
Q In what district? A Goingsnake.
Q What name were you known by when you were small? A Charlotte Robbins.
Q Is that the only name you have ever gone by? A Yes sir, until I married, and then I went by the name of Charlotte Downing.
Q Have you been recognized by the Cherokee Nation as a citizen of te the Cherokee Nation by blood? A Yes sir.
Q Have you drawn money from the Cherokee Nation? A No sir, we have not drawn any money, but they put us on the roll last Council here at Tahlequah, the put us on this roll here. Henry Crittenden put us on the roll, and they told mamma she had her right by Cherokee blood.

Q Who is Henry Crittenden? A He lives up on the Prairie, his name is Henry Crittenden.
Q Is he related to you? A Some kin to my mother.
Q Were your father and mother married? A No sir, they were not lawfully married, but they lived together until he died.
Q Have you an older sister? I am the oldest sister, I have one younger than I am.
Q After your father died to whom was your mother married? A She didn't marry anybody, she lived just a widow woman.
Q Did she go by the name of Emily Robbins after he died? A
A Yes sir, some called her that, she mostly goes by the name of Emily Crittenden.
Q Was she ever known by any other name besides those two names?
A No sir.
Q Where did she live when you were small, about five years of age?
A Up on the Prairie, down on Barren Fork here.
Q In what district in the Cherokee Nation? A They said it was in the Territory. I don't know what the name of the place is. Tyner's Creek now we are living.
Q Did your mother ever go by any other name besides Crittenden and Robbins? A No sir.
Q Did she ever go by the name of Weaver? A That is her name, Emily Weaver. They found my name on the roll down at Muskogee, and my little girl's name is on there too, Peggy Whitmire.
Q Did your mother ever live iny any other district besides Going-snake? A No sir.
Q About how old was your father when he died? A I don't know just exactly how old he was. I was too small to know.
Q Do you know whether he was evermarried to any other woman besides living with your mother? A No sir.
Q Did he have some children by another woman? A No sir.
Q What is the name of your present husband? A Jim Downing.
Q What is he? A He is a Cherokee, Jim Downing is.
Q He is your present husband? A I am living with a man, a Mr. Newton.
Q What is his full name? A John Newton.
Q He is your present husband? A Yes sir.
Q When were you and he married? A The 1st day of January.
Q The first day of January of this last year? A Yes sir.
Q You have been married about eight or ten months? A Yes sir.
Q What is your present husband, a white man? A Yes sir.
Q Your husband, Jim Downing, was a recognized citizen by blood of the Cherokee Nation? A Yes sir.
Q Did you have some children by him A No sir.
Q Have you some children? A Yes sir.
Q What are their names? A Peggy Whitmire.
Q Have you just one? A No, Henry Bushyhead.
Q Were you married to the father of those children? A No sir.
Q Never lived with them? A No sir, never lived with but one a while.
Q Which one is that? A Bob Bushyhead.
Q Is that the father of Henry Bushyhead? A Yes sir.
Q What is he? A He is a Cherokee.
Q Cherokee by blood? A Yes sir.
Q Recognized as such? A Yes sir.
Q How long did you live togeter as husband and wife? A Didn't live together so long, I reckon about three or four months, and he just went off and left me.
Q No longer than that? A No sir.
Q You were not married to him? A No sir.
Q Have you lived with the father of Peggy Whitmire? A No sir.
Q Never lived with him at all? A No sir.
Q What is his name? A Ellis Whitmire.

Q What is he, a Cherokee by blood? A Yes sir.
Q Does Whitmire recognized Peggy as his child? A He is not living He is dead, Ellis Whitmire is.
Q Does Bushyhead recognized Henry as his child? A Yes sir.
Q Is he living? A Yes sir, he is living.
Q Have you ever drawn any money from the Cherokee Nation at all? A No sir.
Q You never have drawn any? A No sir.
Q The Cherokee Nation never recognized you as a citizen by blood? A Yes sir, it always did say I was a Cherokee by blood, but I never did draw any money, they always did knock us out everytime they drew money.
Q How long have you resided in the Cherokee Nation? A Born and raised here.
Q When did you and James Downing begin living together? A I don't know.
Q About how long ago? A I guessit has been a long time, I don't know justhow long.
Q You first said you were not married to him? A Yes sir, I was lawfully married to him, lawfully married now.
Q Have you filed with the Commission your certificate of marriage to him? A Yes sir.
Q How long did you and he live together? A We lived together pretty near a year, not quite a year, it was pretty near a year.
Q Then you separated? A Yes sir.
Q Did you leave him or did he leave you? A He left me.
Q What was the cause of your sepration?? A Not anything at all, he just went off and told me he was going to his brother's, but he never came back any moreuntil I got a letter from him.
Q How long was the letter written after he left? A In about four weeks, I reckon, or three, after he left here, he wrote me a letter back, and he was not going to return any more. Nobody knows what is the cause.
Q What cause did you give him for leaving? A Never gave him any cause, he just went off.
Q Picked up and left without any trouble or a ything? A Yes sir, never a corss word while we lived together.

MR. HASTINGS: When did Jim Downing die? A He has been dead about five years, I guess.
Q Who married you and your present husband Newton? A Mr. Wright.
Q Your present husband? A We got married right here in Tahlequah.
Q The Clerk here married you? A Yes sir.
Q Got out a license? A Yes sir.
Q Married him last January or February? A Yes sir.
Q What was James Downing's wife's name before he married you? A I don't know her name. He never had any lawful wife, but he was living with a woman out there.
Q You knew that he was living with a woman and had some children A No sir, never did.
Q Didn't you hear of it at all? A No sir, never heard of it until after I was married.
Q You didn't hear of it? A He never had any children by her until afterwards.
Q He had children by her? A Yes sir.
Q You found out afterwards that he had been livi g with this woman? A Yes sir, I found it out afterwards, but I didn't know it at the time.
Q Did you have any children at the time you married him? A No sir.
Q You lived with Jim less than a year? A Just about a year, I guess.
Q Where is the letter, let me see it, might find out the date of your separation at least. The letter is dated February 28, 1907. Was this letter written shortly after he left you? A Yes sir, I got the letter after he left me. 3.

Q A short time? A Yes sir.
Q How old is Peggy Whitmire? A I don't know.
Q Is she twenty years old? A No sir.
Q Your best judgment. You are the mother and ought to know something about it. A I don't know how old she is.
Q Is she a year old or forty, guess at it, your best judgment?
A She is over five.
Q About six? A Yes sir.
Q How old is this Bushyhead? A He is three years old.
Q You lived with Jim Downing lessthan a year? A Yes sir.
Q Then did you live with this Bushyhead man a while? A Yes sir.
Q How long did you live with him? A I didn't live with him long, just a little while, less than, about three months.
Q You never had any children by Jim Downing? A No sir.
Q Bushyhead was also married? A No sir.
Q Ddidn't he have a wife before you lived with him? A No sir.
Q No children? A No sir.
Q You were never married to him? A No sir.
Q Never married to Ellis Whitmire? A No sir, hetgot killed.
Q You were never married to him? A No sir.
Q Henry Downing was not a member of the Cherokee Legislature when he said he enrolled you, was he? A Henry Crittenden, I mean. Yes sir, he was down here in Council.
Q He was not a member? A Yes sir, he was.
Q You ought to be certain of that? A I think he was. Mother was down here. I was not down here, but mother was here, and Hen Crittenden, he was here in Council, but I don't know whether he was a member of the Council. He must have been though, he put her name on the roll

MR. HASTINGS: The representative of the Cherokee Nation desires now to call attention to the fact that the records of the Executive Department disclose that Henry Crittenden was never a member of either branch of the Cherokee National Council.

BY COMMISSION: What was the name of the first man with whom you ever lived? A Jim Downing was the first man I ever lived with.
Q The first man that you ever lived with as husband and wife?
A Yes sir.
Q You never had any children before you began living with him?
A No sir.
Q How long did you know him before you began living with him?
A About three years.
Q About how old a man is he? A About a middle aged man.
Q At that time? A Yes sir.
Q Considerably older than you? A Yes sir.
Q Had he been married before that? A No sir, not that I knowof. They said he had another woman living with her, but I didn't know that at that time.
Q Had another woman? A Yes sir, that is what they told me. And he went back out there and taught school, and they said the woman was there. That was after I married him.
Q Before you married? A They said he was living with that woman before we were married, but I didn't know it.
Q How long did they say he had been living with her
A Pretty near a year, they said, he lived out on Grand River, and we lived out here on Tyner's Creek in Goingsnake. I was around here about a month or maybe longer, stayed around out there, and he got acquainted with me out on Grand River, and we moved back in Goingsnake. He came up here and me and him got married, and they said he was not married, just living with this woman.
Q He is said to have lived with her about a year? A Yes sir, that is what they said, but I didn't know it at that time, until we were married.

Q Were you married to him by a minister? A I was married to him, Mr. Wright married us.
Q Was he a preacher? A No sir, he was Clerk.
Q Clerk of Goingsnake District? A Yes sir.
Q Did he give you a certificate? A Yes sir.
Q You said a while ago you had filed that with the Commission?
A I took it down to Muskogee and gave it to the Commissioners.
Q You lived with James Downing about a year? A Yes sir.
Q Your present husband is not a citizen of the Cherokee Nation at all? A No sir.

The copy of the 1880 authenticated roll of citizens of the Cherokee Nation formerly in possession of the representative of the Cherokee Nation, has been examined for Flint, Tahlequah and Goingsnake Districts, and neither the name of the applicant nor her mother can be identified of record thereon under any name as given.

SUSIE KIRK, being first duly sworn, and being examined, testified as follows on behalf of applicant:

BY COMMISSION: What is your name? A Susie Kirk.
Q How old are you? A Thirty-four or -five.
Q What is your post office address? A Tahlequah.
Q Are you a Cherokee? A Yes sir.
Q Recognized citizen by blood of the Cherokee Nation? A Yes sir.
Q Do you know the applicant in this case, Charlotte Downing?
A Yes sir.
Q How long have you known her? A I have known her about eighteen or twenty years.
Q How old was she when you first learned to know her? A She was about eight or ten years old, I guess.

MR. HASTINGS: Are you her half sister? A No sir.

BY COMMISSION: What name was she known by when you knew her first?
A Charlotte Robbins.
Q What district in the Cherokee Nation was that you knew her in?
A It was in Goingsnake District.
Q Did she always go by t hat name? A Yes sir.
Q Didn't go by any other name? A No sir.
Q What was the name of the first man she lived with? A James Downing.
Q Did you know her mother also, when this girl was small? A Yes sir
Q What was h r mother's name then? A She went by the name of Emily Crittenden.
Q Did she go by any other name before that that you know of?
A Emily Weaver.
Q Was there any other name she went by? A She went by the name of Emily Kirk.
Q Was she known as Emily Kirk? A Yes sir, that is the way most of them call her name.
Q Was that in Goingsnake District? A Yes s r.

MR. HASTINGS: She is the motherof Tom Kirk? A Yes sir.
Q Did this woman's mother live in any other district than Goingsnake that you know of? A No sir , not that I know of.
Q Has she lived in Goingsnake District all the time? A Yes sir.
Q Did she live close to the line of any other district?
A No sir, she lived up close to Cincinnati.
Q Close to the Arkansas line? A Yes sir.

BY COMMISSION: Since that time has the mother of Charlotte Downing been known by any other name, since she went by the name of Robbins?
A No sir, not that I know of.
Q She is known at present by what name? A Emily Crittenden.
Q Are the names you have given the only names you know of that she ever went by? A Did she ever go by any other names besides these you have given? A Kirk and Weaver and Robbins, that is all I ever heard of.
Q This woman is at present married, is she? A Yes sir.
Q What is the name of herpresent husband, that she is living with now? A His name is Mr. Newton.
Q Is he a white man? A Yes sir.
Q How long has it been since he and she married?
A It has not been a year.
Q It has been six or eight months? A Yes sir.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Charlotte Downing as a citizen by blood of the Cherokee Nation, Cherokee doubtful cardfield No. 1220; and also in the matterof the application for the enrollment of Peggy Whitmire and Henry Bushyhead as citizens by blood of the Cherokee Nation, Cherokee Rejected card field No. 618.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 28th day of October, 1902.

John McKennon
Notary Public.

FILED
DEC 21 1904
COMMISSION TO FIVE TRIBES.

Cherokee D-1220

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., November 15, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Charlotte Downing as a citizen by blood of the Cherokee Nation.

It appears that on the 29th day of September, 1904, the applicant, her attorney, and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory on the 15th day of November, 1904, and then and there introduce testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant appears in person and by attorney, R. H. Crouch.
Cherokee Nation by Attorney, W. W. Hastings.

CHARLOTTE NEWTON, being duly sworn testifies as follows:

BY R. H. CROUCH:
Q What is your name ? A Charlotte Newton
Q What is your husband's name? A John Newton.
Q Where do you live? A I live at Westville, Indian Territory
Q What is your age? A 14, I guess I am 14, I mean 36; (Commissioner) I am 36, as near as I can come at it.
Q When were you married to John Newton? A Three years ago.
Q Had you been married prior to that time? A Yes sir.
Q What was your first husband's name? A Jim Downing.
Q When did you marry Jim Downing? A It has been about 14 years, or 16, Sixteen years I guess
Q Where did you marry him? A At Mr. Wright's, Jack Wright's, Cherokee Nation, Indian Territory.
Q Was he a Cherokee Indian? A Yes,sir.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Who is your mother? A Emily Crittenden.
Q Are you a sister of Lottie Robbins? A Yes sir.
Q What is your father's name? A Josh Robbins.
Q Is he living? A No sir.
Q Are you a sister of Rachel Woodall? A Yes sir.
Q Full sister or half sister? A Half sister.
Q Now I will ask you of your father, Josh Robbins, was a Cherokee Indian? A Yes sir.
Q How long has he been dead? A Well, I could not just tell you that, Mr. Crouch, how long he has been dead.
Q Do you know how old you were when he died? A Well, I guess I was about five or six years old when he died.
Q You have lived here in the Cherokee Nation all your life?
A Yes sir.

BY W. F. HASTINGS:

Q You are not a full sister of Rachel Woodall ? A No sir.
Q You have a different mother? A No, sir, same mother
Q But different father? A Yes sir.
Q What was Rachel Woodall's father's name? A I don't just know what his name was, but he was a Woodall.
Q You are a full sister of Lottie Robbins? A Yes,sir.
Q Same father and same mother? A Yes,sir.
Q What relation to you is Bullette Weaver? A Half sister, have same mother.
Q Your mother, Emily Weaver, was a slave before the war was she?
A Yes sir, that's what they say she was.
Q And there never was any proof of any marriage between your alleged father and your mother?
A No sir, only under Cherokee rules.
Q They never were married? A No sir.
Q You never did, at any time, succeed in getting on any Cherokee rolls except as the wife of your former husband, Downing, did you? A No sir, I didn't try to get on the rolls by marriage with my husband at all. I tried for a Cherokee right when I come to Muskogee, and that time that you all was at that place, Gibson.
Q But you never were on any Cherokee Roll before 1896?
A I don't know whether we was on the roll or not, but they said we was on the roll.
Q But if you were on the roll you never knew it?
A That was what they told mother.
Q You and your mother and your family have always been applicants for Cherokee citizenship, haven't you?
A Yes,sir, we have tried for a Cherokee right.
Q And the Cherokee Council never would admit you , would it?
A Yes sir, they said it did.
Q But you have got no record showing the fact that the Council ever admitted you, have you? A No sir.
Q You say your former husband's name was Jim Downing? A Yes sir
Q Is Jim Downing dead? A Yes sir.
Q When did he die? A He has been dead a good while, I could not just tell you right at this time how long, but he has been dead a good while.
Q About how long? A I guess about five or six years
Q He was living then, when you were placed on this 1896 roll?
A No sir, he has been dead longer than that.
Q That was eight years ago, and you said he had been dead five or six years, is that right?
A I don't know just how long he has been dead.
Q Well, now, what is your best judgment as to how long he has been dead? A I don't know how long he has been dead
Q And you married this man Newton about three years ago?
A Yes sir.
Q Before that you were the widow of Jim Downing, a Cherokee?
A Yes sir.
Q You never did draw any Cherokee money? A No sir.
Q And yet you say you have lived in the Cherokee Nation all your life? A Yes sir.

Q Now there was a payment in '75, another in '80, there's another in '83, another in '86, and another in 90 and another in '94, and yet you admit that through all of these payments you were not recognized as a citizen, and not permitted to draw money, were you?
A No sir, we never drew any money. We could not draw any, could we, unless we were on the roll?
Q You were trying for a right all this time, and they never did admit you, did they? A No sir.

BY A. H. CROUCH:
Q Mrs/ Newton, how long did you live with Jim Downing, as well as you can remember? A I lived with him a year, I think a year and a half, the best that I can tell.
Q Did you separate? A Yes sir.
Q How long after you separated, as well as you remember, until he died? A Well, I can't just give it to you how long.
Q Now, from the time you separated until he died , as well as you can remember? A Well, now, from the time we separated, he went out west, and he was gone, I guess about five or six years when I heard he was dead, as well as I can remember.
Q Then you didn't know just when he died? A No sir.

BY COMMISSION:
Q Is your mother living? A Yes sir.
Q She has been enrolled by the Commission, has she, or do you know? A Not as I know of, she has been before them, but I don't think she has ever been enrolled.
Q Is your father living? A No sir.
Q You say your father's name was Josh Robbins? A Yes sir
Q How long has he been dead? A Well, I just couldn't tell you how long my father's been dead.
Q About how long? A I couldn't tell you that; I was small; I don't remember him.
Q Can you remember him at all? A No sir.
Q Your mother has told you that Josh Robbins was your father?
A Yes sir.
Q Where were you born? A I was born on the prairie; Indian Territory, close to Westville.
Q What Nation is that? A Indian Territory, Cherokee Nation.
Q Do you know where your father lived during his life time?
A Yes sir, he lived right close to Westville, in Indian Territory
Q Do you know what district that is in? A No sir, but it is in the Indian Territory, Cherokee Nation.
Q Do you know whether or not it is in the Goingsnake District?
A I don't know. Yes sir, it is in the Nation.
Q Do you know what age your father would be if he was living?
A No sir.
Q You don't know? A No sir
Q You don't know what age man he was when you were born? A No sir
Q Who told you he was a Cherokee Indian? A My mother told me.
Q Your mother? A Yes sir.
Q Has your mother testified for you in this case? A No sir. I testify for myself.
Q Has your mother ever been here in your behalf? A Yes sir, she is here now.

EMILY CRITTENDEN, having been duly sworn, testifies as follows:

BY A. H. CROUCH:

Q What is your name? A My name is Emily Crittenden.
Q How old are you? A Eighty-six years old
Q Where do you live? A On Pinar's Creek in Goingsnake District
Q Is that in the Cherokee Nation? A Yes sir.
Q Are you acquainted with Charlotte Newton? A Yes, sir. She's my daughter
Q With Lottie Robbins and Rachel Woodall? A Yes, sir
Q I will ask you if you are the mother of these three parties?
A Yes sir.
Q How old is Charlotte Newton? A She is about 20 or 26
Q Mrs. Crittenden, where were you born? A In the Cherokee Nation, Flint District.
Q What was your mother's name? A My mother's name was Nellie Kelly, after she was married
Q Was she a Cherokee? A She was not a full blood Cherokee, she had some Cherokee blood in her.
Q What was your father's name? A My father's name was Lewis Crittenden.
Q Was he a Cherokee Indian? A Yes, sir.
Q Was your mother a slave before the war? A Yes sir, she was.
Q Were you a slave before the war? A Yes sir.
Q To whom did you belong, who was your mistress at first?
A Carrie Wright.
Q She was a Cherokee? A Yes sir, she was a Cherokee.
Q Did you belong to her until the close of the war; at the time the slaves were freed?
A No sir, she was dead, and Phillips married a woman by the name of Sidney Crittenden.
Q Was she a Cherokee? A Yes sir.
Q And you belonged to them up until the close of the war?
A Yes sir.
Q You have always lived here in the Cherokee Nation, have you?
A Yes sir.
Q Who is Rachel Woodall's father? A His name was George Woodall
Q Was he an Indian? A Yes sir. He wasn't a full blood Indian; he was half.
Q When was Rachel Woodall born, relative to the Civil war.
A She was born the fall after peace was made
Q Who is Charlotte Newton's father? A Josh Robbins
Q And who is Lottie Robbins' father? A Josh Robbins.
Q Then these two last have the same father? A Yes sir.
Q Now I will ask you if you were married to Josh Robbins?
A No sir, not legally married.
Q When did you begin living with Josh Robbins?
A The year after peace was made.
Q Did you and Josh Robbins live together as husband and wife?
A Yes sir.
Q How long did you continue to live together? A We lived together about four years.

Where did you live during this time? A We lived right close to Westville, on that prairie close to Westville, where Mose Alberty's son lived, I can't remember that man's name now-- Thomas lived there. Lived on Aunt Liddy's place.
Q Have you ever lived with any one else since you lived with Josh Robbins? A No sir.

BY W. W. HASTINGS:
Q You lived with Josh Robbins during the war didn't you?
A No sir, not till after the war, after peace was made.
Q Now didn't you testify in this case, at Vinita, on January 23, 1903, that--A I said Joe Weaver; I lived in time of the war with Joe Weaver.
Q You never was married to Josh Robbins? A No sir.
Q Never was married to Joe Weaver? A No sir, just lived with him.
Q When did Josh Robbins die? A I don't know when he died; He died about---
Q How long after the war? A He died seven years after the war
Q Then he died about '72 or '73, is that right?
A Yes sir, I guess that's right.
Q Where did he die? A On that prairie up where Aunt Liddy lived.
Q Near Westville, in Goingsnake District? A Yes sir.
Q How old was Charlotte when he died? A Going on four years old
Q Were you and Josh Robbins living together when he died?
A Yes sir.
Q Didn't he quit you? A No sir.
Q When did he commence living with you, before the war closed?
A No sir, just about the time the war closed
Q Before the Treaty? A Yes sir.
Q You have been an applicant for citizenship in the Cherokee Nation ever since the war? A Yes sir, I was born and raised here, and in that war when we all went north, I went out. I was grown.
Q Went north then? A West-- or we went towards Texas.
Q Didn't you go east? A (No response)
Q Who went? A Old man Phillips and all of us.
Q Is any of old man Phillips' family living now?
A Noah Wisenhunt's wife is living now
Q Where does she live? A She lives at Vinita, out here.
Q You didn't call her when you were at Vinita, did you
A No sir, I didn't think about it.
Q You were never married to Josh Robbins.
A No sir, I never was married to Josh Robbins.
Q You have been trying for admission ever since the war, and they never would admit you, would they? A They told me they would admit me.
Q But you never got any certificate did you? A No sir, they told me they would admit me.
Q They never did admit you, did they? A Mr. Crittenden told me he put me and my children on the roll.
Q But they can't find you , can they? A No sir.
Q Now, this man Josh Robbins died about seven years after the war? A Yes sir, about that long.
Q Do you know Moses Phillips at Westville? A Yes sir.
Q Was he any relation to the rest of the Phillips's?
A Yes sir, he was old lady Phillips's sister's son.
Q Now, where did you go in time of the war. Did you go north

or south or east or west? A We went out,--- north I reckon.

BY MR. C.O CH:
Q Tell him what point,- where did you go to.
A We went out on Red River, towards Texas.
BY MR. HASTINGS:
Q You don't know whether that was north, south, east or west?
A Went south, that's what they called it.
Q When you came back, where did you come to.
A We came on that prairie, out towards Westville, where old Aunt Liddy Quentin lived. I lived with her.
Q What year is this? A I couldn't tell you.
Q You don't know any years? A No sir, don't know any years at all.
Q Never did know any? A No sir.
Q How many people did you live with, and are you the mother of children by?
A I never lived with anybody but Joe Weaver and Josh Robbins
Q Never was married to either of them? A No sir.
Q Was Josh Robbins ever married before he lived with you?
A No, sir.
Q Did he ever marry anybody after he lived with you?
A Why no sir, he died, He died while he was living with me.

BY COMMISSION:
Q Where did Josh Robbins live when you first got acquainted with him? A He lived in the Cherokee Nation. He was born and raised here
Q In what place? A On Barren Fork
Q What District is that in? A In Goingsnake District
Q How long has Josh Robbins been dead? A I don't know, about seven or eight years. About seven or eight years after the war.
Q Where did he die? A He died up close to Westville.
Q You say it was about 1872 when he died? A Well, I don't know.
Q Did he die prior to the making of the 1880 Roll?
A Why, I don't know.

BY MR. HASTINGS:
Q Now, Auntie, this witness that was on the stand before, testified that Josh Robbins died when she was so young that she cannot remember her father, is that correct? A Yes,sir, that is correct.
Q Now this witness gives her age as 35 or 36 years?
A Yes sir.
Q Now if that be true, Josh Robbins must have died something like thirty years ago? A Well, you are right, Mr. Hastings.
Q Then you mean to say that Josh Robbins died about seven or eight years after the war, or about 28 or 30 years ago?
A Yes sir, you are right, Mr. Hastings, that is what I meant.

RACHEL WOODALL, being duly sworn, testifies as follows:

BY R. H. CROUCH:
Q What is your name? A Rachel Woodall
Q How old are you? A 38
Q Where do you live? A In Goingsnake , Indian Territory.
Q Is that in the Cherokee Nation? A In the Cherokee Nation.

Q Do you live near where Emily Crittenden lives? A Live with Emily Crittenden.
Q Are you acquainted with Charlotte Newton? A Yes, sir.
Q Are you acquainted with Lottie Robbins? A Yes sir.
Q How long have you known them? A All my life
Q Are you related to them? A Half sister.
Q Do you know their father? A Yes sir.
Q What was his name? A Josh Robbins
Q How long did you know Josh Robbins? A Ever since I can remember.
Q Do you know when Josh Robbins died? A I remember when he died, but I don't remember the year when he died.
Q With reference to the close of the war, how long was it after the war closed; How old were you, or about how old, when Josh Robbins died? A I reckon I was about sixteen.
Q About 16? Were you that old? A No sir, I guess not, I made a mistake, I reckon I was about 13 or 14 years old when he died.
Q Did he and your mother, Emily Crittenden , live together as husband and wife? A Yes sir.
Q Were they living together as husband and wife when Charlotte and Lottie were born? A Yes sir.
Q Did Josh Robbins claim them as his children? A Yes sir.
Q What was your father's name? A George Woodall
Q Did you ever see him? A Yes sir.
Q You remember him? A Yes sir.
Q Where did he live? A Down on the prairie close to Westville.
Q Did he and your mother live together as husband and wife?
A They lived together about two years, I reckon.
Q Was this during the war that they lived together? A Yes sir
Q Do you know Israel Crittenden? A Yes sir.
Q What relation are you to Israel Crittenden? A He is my uncle.
Q What relation is Israel Crittenden to your mother?
A He is her half brother.
Q So Israel Crittenden's father and your mother's father is the same person? A Yes sir.
Q What was his name? A Lewis Crittenden.
Q Do you know whether he was an Indian? A Yes sir, we was always told that he was an Indian.

BY MR. HASTINGS:
Q Now you are only testifying about what you have been told about the citizenship of these people, you were too young to remember yourself, now, weren't you.
A Well, sir, I was told by my mother.
Q Then all you know about these people is what you have been told? A Yes sir, I know my father, I remember him.
Q You got your Cherokee blood through your father? A Yes sir, and through my mother too.
Q Your mother has never been recognized as a Cherokee citizen?
A Well, she was told that she was recognized.
Q Were you present when she was told that? A No sir, but Henry Crittenden came home and told my sister.
Q You were not present at that time? A No sir.

Now comes the representative of the Cherokee Nation and moves to strike out this hearsay testimony and requests the Commission to instruct the witness to testify only to things that she knows of her own personal knowledge.

Q Now you know that your mother has been down to the National Council practically for the last 35 years trying to be admitted to citizenship in the Cherokee Nation, and that she has never been admitted, don't you?
A Yes sir .

Q You know that she has tried to get on every pay roll that has ever been made since the war, and she never has been put on, has she?
A Yes sir.
Q Did your father live with your mother until his death?
A She told me that she lived with him two years.
Q She lived with him two years? A Why that is what she told me.
Q You don't know then? A No sir.
Q You don't know anything of what you testify except what you have been told, do you?
A Well, I remember seeing him, my father.
Q When you were two years old? A (No response)
Q Now do you mean to say that your father and mother lived together two years, and during that time you were born and he died and still you remember your father? A (No response)
Q You must be mistaken about that, are you not, Mrs. Woodall?
A Well, I will take that back Mr. Hastings, I guess I don't remember that.
Q Well, do you remember seeing Josh Robbins ?
A Yes sir I remember seeing him.
Q Do you know about how long after the war Josh Robbins died ?
A No sir.
Q Your mother was never married to Josh Robbins was she?
A No sir.
Q Did Josh Robbins ever have any other wife besides your mother ?
A No sir.
Q And Josh Robbins died a few years after the war? A Yes sir
Q Do you think as much as seven years after the war?
A About seven years I reckon.
Q Now all this that you have talked about, about the citizenship of these people is what has been told you by your mother? Is that correct? A Yes sir.

BY COMMISSION
Q Do you remember your own father at all, Mrs. Woodall?
A No sir.
Q But you can remember Josh Robbins? A Yes sir.
Q You think he died a few years after the war? A Yes sir.
Q You were quite small when he died, were you? A Yes sir, I was tolerable small.
Q Where did Josh Robbins die? A Right there about a mile from where Westville is now.

LEWIS WEAVER, being duly sworn testifies as follows:

BY R. H. CROUCH:
Q What is your name? A Lewis Weaver.
Q Are you sometimes called Bullette Weaver? A Yes sir.
Q How old are you? A Born in '51 or '2 or '3, I don't know which.
Q You know you are about 52 or 53 years old? A Yes sir.
Q Where do you live? A In Goingsnake District.
Q Is that in the Cherokee Nation? A Yes sir.
Q Are you acquainted with Lottie Robbins, Charlotte Newton and Rachel Woodall? A Yes sir, they are my sisters
Q Are they full sisters of yours? A No sir, only half sisters
Q Are you a son of Emily Crittenden? A Yes sir.
Q Well, was you acquainted with the father of Charlotte Newton and Lottie Robbins. A Yes sir.
Q Who was he? A Josh Robbins.
Q How long did Josh Robbins and your mother live together?

A They lived together three or four or five years. About five years I reckon.
Q About when did they commence living together?
A After she came back to the Nation, I don't remember how long it has been.
Q How long after the surrender, after the close of the war?
A Well, it was about a year, I suppose, or two, I don't know which. I was small.
Q How long did they continue to live together? A How long?
Q Yes? A How long you say they lived together?
Q Yes, Josh Robbins and your mother? A Why four or five years, until he died.
Q During the time they lived together were these two children, Charlotte and Lottie, born? A Yes sir.
Q You lived there with them? A Yes sir.
Q Did Josh Robbins claim these children as his children?
A Yes sir.
Q Was he a Cherokee Indian ? A Yes sir.
Q Do you remember when Rachel Woodall was born? A She was born the year peace was made I believe.
Q Do you know who was her father? A No, I don't know, only just what they said.
Q Who did they say was her father? A They said Woodall.
Q Which Woodall? A I don't know his name.
Q Did your mother and this man Woodall live together as man and wife before that? A I don't know.
Q Was Woodall a Cherokee Indian? A I don't know that, either.
Q Now, Bullette, from the time that your mother and Josh Robbins commenced living together as man and wife, did they live together until his death? A Yes sir.
Q Did you live with them? A Yes,sir, I lived there with them
Q Now Bullette, were you a slave before the war? A Yes sir
Q To whom did you belong? A Lige Phillips.
A What was Lige's wife's name? A Sidney Phillips
Q Were they Indians? A The woman was, the old man was a white man.

BY MR. HASTINGS:
Q How many children was your mother the mother of? A How many'
Q Yes sir? A Blamed if I know, five or six or seven.
Q Do you mean to tell the Commission that you don't know?
A No sir, I don't mean to tell them I don't know.
Q That's what I am asking you now, then?
A Well she's got eight I believe living, or seven, I don't know which.
Q How many dead? A Got one.
Q How many children were born to her before the war? A How many ?
Q Yes, how many? A There were three or four of us, four, Hant and Tom and Mary and me.
Q Now how many were born since the war? A How many? three, I believe.
Q What were their names? A Charlotte and Lottie Robbins and Sam.
Q What's Sam's name, what name does he go by? A I couldn't tell you that, He is dead.
Q Was he older or younger than Charlotte? A Younger.
Q What name did he go by, his surname? A Sam King.
Q Did you say he was younger than Charlotte? A Yes, he was younger than Lottie. Lottie is the youngest of the girls.
Q Now your mother never was married to the father of any of these children? A Not that I know of.
Q Now, your mother has been an applicant for citizenship ever since the war, and they never have enrolled her, have they?
A Well, they told her she was all right on the rolls.

Q Well, you know she never drew any money in any of the payments, don't you? A Yes sir.
Q You know that Charlotte and Lottie never drew any money, don't you? A Yes sir.
Q You know that they have been applicants before the Councils and that they have gone to Council after Council, and that they have never got any certificate of admission, don't you?
A No sir.
Q How long did your mother live with the father of Sam?
A How long? I don't know.
Q Did she ever live with him? A I couldn't tell you that, that is something I don't know anything about. I can't tell you about nothing I don't know nothing about.
Q How long did she live with Josh Robbins? A Well, she lived with him five years; four or five years.
Q Begun when? A I could not tell you that.
Q Nor you can't tell when Josh Robbins died? A No sir, I can't, but I know they lived together, because I lived there with them.
Q Did she ever live with a man by the name of Woodall? A I told you awhile ago that I could not tell you that. I can't tell you unless I know.
Q I am trying to find out what you know? A Well ask me something that I know and I will tell you.
Q Well, you don't know what year Josh Robbins died?

BY COMMISSION:
Q You never knew Woodall, the reputed father of your half sister, Rachel? A Well, I have seen a man that they said was her a father.
Q Is that man dead? A Well, I couldn't tell you that, they say he's dead.
Q How old were you when Rachel was born? A How old was I, I couldn't tell you that, I was about 10 or 12 years old I reckon.
Q Then you ought to know whether your mother lived with a man by the name of Woodall? A There was one staying there; I don't know whether she lived with him or not.
Q Well, you say you saw him there? A Yes sir, I seen him there.
Q You don't know whether he was an Indian or not? A No sir, I don't know.
Q Do you know whether Josh Robbins was an Indian or not?
A Yes sir.
Q He was an Indian, was he? A Yes sir, he was.
Q Cherokee ? A Yes sir.
Q Who told you that? A Well, his granny, old Aunt Liddy Quentin, and his father, Levi Robbins, they was Indians.
Q Rachel was born, you say, the year peace was made? A Yes sir
Q You have been enrolled by this Commission, have you Mr. Weaver?
A I don't know, I went there, I don't know whether they put me on or not.
Q Have you been notified by the Commission that you have been enrolled? A Not that I know of.

ISRAEL CRITTENDEN, being duly sworn testifies as follows:

BY R. H. CROUCH:
Q What is your name? A Israel Crittenden.

Q How old are you? A I don't know. I don't know my age.
Q About how old? A About, somewheres up in 50 or 60, somewheres along there, as near as I can tell.
Q Where do you live? A Live near Westville, Indian Territory.
Q Are you acquainted with Charlotte Newton? A Yes sir, a little acquainted.
Q How long have you known her? A Well, I couldn't tell long.
Q Well, have you known her all her life? A About all her life
Q Do you know Lottie Robbins? A Yes sir.
Q How long have you known her? A I have known her about the same as I have known Charlotte.
Q Do you know Rachel Woodall? A Yes sir, I have known her about all her life.
Q Do you know Emily Weaver? A Yes sir.
Q How long have you known her? A Ever since the war, and I got a little acquainted with her in time of th war, about the last of the war; about two years before the surrender.
Q Are you related, kin, to Emily Crittenden? A Well, I guess I am, because the old folks always said that my father and her father was the same. Different mother.
Q They always told you then, that you was a half brother to Emily Crittenden? A Yes sir.
Q Is she commonly known as Emily Crittenden? A Yes sir.
Q Do you know Josh Robbins? A Yes sir, I got acquainted with him in Polk County, Arkansas.
Q When was that? A That was during the war, and then after the war he came on out to the Territory .
Q Did you know him then in the Cherokee Nation after you came back to the Cherokee Nation? A Yes sir.
Q What time did you come back, as well as you remember?
A Well, it was near about two years I reckon , before I got back.
Q Do you mean two years after the close of the war? A Yes sir
Q Well, now, I will ask you if you know whether Emily Crittenden or Emily Weaver, and Josh Robbins were living together as man and wife, when you came back to the Cherokee Nation from Polk County, Arkansas, after the war?
Q Yes sir, they lived that way.
Q Where did they live? A They lived out south side of where Westville is now.
Q Is that in the Cherokee Nation? A Yes sir.
Q What district is it in? A Goingsnake.
Q How long did they live together that way? A They lived together until he died.
Q Did they live in a house together, away from any one else, with their children? A They lived with my Aunt.
Q Who was your aunt? A Liddy Quentin.
Q Did they live in the house with her, or did they have a house to themselves? A Well, as well as I recollect, they all stayed together, but I wasn't there all the time.
Q During this time, do you know , whether Charlotte Newton and Lottie Robbins were born? A Yes sir.
Q Do you know whether Josh Robbins claimed them as his children or not? A No sir, I don't, I never did hear him myself.
Q They have went by the name of Robbins , have they, ever since?
A Yes sir.
Q And they have lived here in the Cherokee Nation all the time?
A Yes sir.
Q You have lived here ever since? A Yes sir, I have been in the Nation all the time.
Q Are you a Cherokee Indian yourself? A Yes, sir.

Q Where do you get your Cherokee blood, from your father?
A From my father and mother both.
Q And you say that they told you that your father was the father of Emily Crittenden? A Yes,sir.

BY MR. HASTINGS:
Q How far did you live from where Westville now is, when Emily Weaver and Josh Robbins stayed over there at Aunt Liddy Quentin'
A About three miles.
Q Did you live that near all the time? A Yes sir, and I was there a heap:
Q Who did you live with? A Old man Joel Kelly.
Q He is not living now? A No sir.
Q You don't know who is the father of Emily Weaver, she is older than you? A Yes sir, a right smart older than I am.
Q She was a slave before the war? A I don't know.
Q You never heard that, now do you mean to tell the Commission that you never heard that?
A I never heard how it was, who she was a slave of.
Q Well, why did you say you never heard it?
A I did not understand the way it was asked.
Q And her mother was a slave, wasn't she? A Yes sir.
Q Now, you know that Emily Weaver and Charlotte Newton and Lottie Robbins have been trying ever since the war to be admitted by the Cherokee Council, and they have refused, haven't they? A I don't know whether they have been refused or n ot. They have always claimed.
Q But you know they have never been recognized? A I don't know as they have been recognized.
Q Don't you know that they have not been recognized?
A I couldn't say that I know they was not.
Q Why can't you say that? A Because I don't recollect, like a heap of people.
Q Then how can you recollect about Josh Robbins's citizenship when you never knew him but a few years after the war, when you have known this woman and these children ever since the war, Why can't you tell on one side if you can on the other?
A (No response)
Q You don't know, do you? A I don't know positive that they were.
Q You don't know positively that Josh Robbins was recognized do you, his name is not on any roll? A Yes, I know he was
Q How do you know it? A Well, the people told it, and then his own father was.
Q Now you never saw his father did you? A Yes, I have seen his father.
Q Now what roll was Josh Robbins on, and how do you know that he was ever recognized? A I don't know what roll he was on.
Q How do you know that he was ever recognized? A Well, I know by his old grandmother and his father, I have heard him talk, and he claimed him.

Q Now, when did you ever hear him claim him, and where?
Q Well, at Quentin's.
Q When? A I cannot tell you how long it has been.
Q Ten years ago? A I don't know how long it has been.
Q You don't know when you heard this talk, do you? A No sir
Q Were you ever a witness down at the Cherokee Councils for these people? A No, sir.
Q You never went down there for them? A No sir.
Q You never appeared for them a a witness before? A No sir
Q You never saw this woman and the father of Rachel Woodall living together did you? A No, sir.
Q Do you know who the reputed father of Rachel Woodall is?
A No, sir.
Q When did he die? A Well, I don't know when he died.
Q Well, he did not die until a long time after Josh Robbins died did he? A No.
Q Do you mean to say that the father of Rachel Woodall died after Josh Robbins died? A Yes,sir.
Q Were Emily Weaver and Josh Robbins ever married?
A No, not only under the old Cherokee law.
Q You know they never were married, don't you?
A Yes, I know they never was married.
Q And you never did know of them living together as husband and wife, in a separate house, do you? A They lived together, I don't know if they lived in a separate house.
Q They never lived in a separate house. They both stayed up at old Liddy Quentin's, didn't they? A Yes sir.

BY COMMISSION:
Q Israel, who was said to be the father of Rachel Woodall?
A I believe they called his name George Woodall.
Q You think it was George Woodall? A Yes sir, George.
Q When did he die? A I cannot tell how long it has been
Q Well, fifteen years ago? A Been about nine or ten years ago, I reckon.
Q Do you know whether or not he was a recognized Cherokee?
A He claimed to be part Cherokee.
Q Where did he live? A Why, when he died, I don't know where he lived, he had left there and come out in the Creek Nation.
Q Where did he live when Rachel was born? A Part of the time in Polk County, and then he come out to the Cherokee Nation
Q What district did he live in? A Goingsnake.
Q Was that where Josh Robbins lived? A Yes sir.
Q Do you know whether or not this Woodall was a Cherokee, of your own knowledge? A I couldn't j hardly say, but the people said that knew him better than I did, because I was just a kid like.
Q Did they say he was a Cherokee? A Yes sir.
Q Did this man Woodall ever marry any one else? A He was married afterward; after he came out in here I think to, a Creek woman.
Q When did you first know Emily Crittenden, or Emily Weaver?

A First knew her in Polk County.
Q Polk County, Arkansas? A Yes,sir.
Q After the war? A In time of the war, before the war closed.
Q She never was legally married to anyone was she?
A No, just under the old Cherokee laws, like they used to.
Q Do you know Bullette Weaver? A Yes sir.
Q He is a son of Emily is he? A Yes,sir.
Q These people have always been considered Freedmen by the Cherokee people haven't they, Colored people?
A Ever since the surrender, I suppose.

BY MR. HASTINGS:

Q Did you ever know of Emily Weaver living with the father of Rachel Woodall as husband and wife? A No, I never knew it.
Q Did you say you knew Josh Robbins in Polk County, Arkansas?
A Yes sir.
Q And he came back here about two years after the war? A
A Yes sir.
Q You never heard of this woman living as husband and wife with Rachel Woodall's father, did you? A No, sir.

The attorney for the applicants asks that copy of the testimony this day taken in this case, be filed with and made a part of the record in the case of Lottie Robbins, Cherokee D-2901, and Rachel Woodall, Cherokee D-2443

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Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the above case, and that the above and foregoing is a full, true and correct transcript og her stenographic notes therein.

(Signed) Lucy M. Bowman.

Subscribed and sworn to before me this 30 day of November, 1904.

(Signed) Chas. H. Sawyer
Notary Public.

(S E A L)

Lucy M. Bowman, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full, true and correct copy of her original transcript in the above entitled ause.

Lucy M Bowman

Subscribed and sworn to before me this 21st day of December, 1904

Chas. H. Sawyer
Notary Public.

Dist. D-1220

FILED
DEC 24 1904
COMMISSION TO FIVE TRIBES.

Cherokee D-1220,

Department of the Interior,
Commission to the Five Civilized Tribes .
Muskogee, Ind T., November 16, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Charlotte Downing, as a citizen by blood of the Cherokee Nation.

APPEARANCES:
Applicant appears by attorney, R. M. Crouch
Cherokee Nation by W. W. Hastings.

ANTHONY CRITTENDEN, being duly sworn, testifies as follows:

BY COMMISSION:
Q What is your name? A Anthony Crittenden
Q How old are you Mr. Crittenden? A I am 55.
Q What is your postoffice address? A Hereford, Indian Territory.

BY R. M. CROUCH:

Q Do you live in the Cherokee Nation? A I live in the Cherokee Nation, Canadian District.
Q Are you acquainted with Emily Weaver? A Yes,sir
Q Are you acquainted with Rachel Woodall? A Yes,sir
Q With Charlotte Downing and Lottie Robbins? A Yes,sir.
Q How long have you known them? A How long have I known them them? I have known them all their lives, but then I haven't lived close to them.
Q Do you know Josh Robbins? A Yes,sir.
Q Did your mother and Josh Robbins live together as husband and wife at any time in your recollection? A Yes,sir, they did
Q As well as you can remember, what time did they commence living together relative to the close of the war.
A It was after the war, but I don't just remember what time.
Q About how long? A About two years I think, I am not certain.
Q How long did they continue to live together A Until he died.
Q Do you remember how long, or about how long? A No, sir I don't.
Q Was it as much as four or five years? A Must have been about five years
Q Were Charlotte Downing and Lottie Robbins born to them while they were living together as man and wife? A Yes,sir.
Q Where did they live? A In Goingsnake District.
Q Did they live by themselves, or with some one else? A Well they lived right there close to old Aunt Liddy Quintin.
Q Did they live in a house to themselves? A They lived in the house with her.
Q Did Josh Robbins claim these children as his children?
A Yes,sir
Q The two, Lottie and Charlotte? A Yes,sir.
Q Do you know whether Josh Robbins was a Cherokee Indian or not?
A Yes,sir, he was a Cherokee Indian.
Q Do you know who his father was? A Yes,sir.
Q Who was his father? A Levi Robbins
Q Are they any kin to Nellie Kelly? A Yes, sir Josh Robbin's mother was Nellie Kelly's sister.
Q Is Nellie Kelly alive now? A No, sir, or that is what they tell me
Q Do you know whether or not she is a Cherokee Indian?
A I guess she is, she is on every roll that's ever been made, I reckon.
Q Do you know whether Josh Robbins is on any of the rolls or not

A I think he was.
Q Are you a Cherokee Indian? A Well, I don't know, my father said I was. I don't know.
Q What was your father's name? A Mose Crittenden.
Q Is he living? A He died up here at Wagoner.
Q Have you lived in the Cherokee Nation all your life? A Yes sir
Q Were you ever a slave? A I was small when the war broke out and I don't hardly recollect.
Q Don't know whether you were a slave or not? A I might have been , I cannot recollect back that far, and I'm not learned.
Q Have you any education whatever? A No, sir.
Q Ever went to school any? A No, sir
Q DO you know the months of the year? A Yes,sir
Q Do you know what year this is? A No, I don't know what year it is.
Q Don't know whether it is 1000, or 2000, or 1900? A No, sir.
Q You can remember when the war closed, can you?
A Well, yes,sir, but mighty little about it.
Q You are positive now, that you knew Josh Robbins? A Yes,sir, I knew him.
Q And that your mother and Josh Robbins lived together, and that these children were born while they were living together, and that Josh Robbins claimed these children as his children?
A Yes,sir

BY W. W. HASTINGS:
Q You were quite a small boy when the war closed? A Yes, sir, tolerable small; I don't know my age.
Q You claim now, not to know one year from another? A I aint got no learning.
Q How far from the old lady Quentin's house was the house in which Josh Robbins and your mother resided? A Why, it was right there in the yeard.
Q They all lived together? A Yes,sir.
Q In the same yeard? A Yes,sir.
Q They lived in the same house? A No, sir, there was two houses; two rooms.
Q Yes, two rooms to the same house? A Two rooms, same house of course.
Q You never knew of Josh Robbins being enrolled as a citizen did you? A He was enrolled .
Q When? A Well, I can't tell you what year.
Q Then you don't know, do you. A Well , not for certain, but he told me he was enrolled.
Q When did he tell you? A Before he died.
Q How did he come to tell you that? A He was just talking to me.
Q When and where was he talking to you? A Right there, before he died; about a year before he died.
Q Where? A Right there at home.
Q What reason did he have for talking to you about that?
A I don't know what reason; I couldn't tell you the reason.
Q Well, how was the Mell question ever discussed? A We just got to talking about it.
Q What roll was being made about that time? A I co ldn't tell you.
Q He died long before the '80 roll was made, didn't he
A Yes,sir, he died before that.
Q Now, your mother and these applicants whose names were mentioned to you this morning, have been applicants for citizenship ever since the war, haven't they?
A Why, yes, sir, I know that much.

Q And you know that the Council has refused to admit them ever since the war, the Cherokee Council? A Yes,sir, I guess it has.
Q You know that not a single one of them ever drew any Cherokee money, did they? A No, sir.
Q And none of them ever got upon any roll except after she had married a recognized Cherokee, did they? A No, sir, I guess not.
Q Now, did your mother ever live with the father of Rachel Woodall? A I don't remember about that.
Q You don't remember that? A No, sir.
Q When did her reputed father die? A Whose?
Q Rachel Woodall's father? A I don't remember.
Q Did he die before or after Josh Robbins died?
A He died before; I know he died before, but I dont remember how long.
Q Was that after your mother had begun to live with Josh Robbins?
A I don't remember.
Q Do you remember him at all? A Who?
Q The reputed father of Rachel Woodall? A Yes,sir, I remember him.
Q Do you remember seeing him after the war? A No, sir I dont remember
Q You don't remember before the war much, do you?
A I said I didn't remember much.
Q You don't remember ever seeing the father of Rachel Woodall?
A No, I never saw him.
Q Your mother and Josh Robbins were never married, so far as you know? A No, sir.
Q And Josh Robbins died four or five years after the war?
A I can't tell you.
Q Is that your best judgment? A I can't tell you.
Q But so far as your best judgment? A Yes,sir, so far as I know.
Q You claim Cherokee blood through your father, Moses Crittenden?
A Yes,sir.
Q And you are enrolled through your father, Moses Crittenden?
A Yes,sir.

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Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony and proceedings herein, and that the above and foregoing is a full and correct transcript of her stenographic notes thereof.

Lucy M. Bowman

Subscribed and sworn to before me this 30 day of November, 1904.

Charles A. Sawyer
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 9, 1906.

SUPPLEMENTAL PROCEEDINGS HAD IN the matter of the application for the enrollment of EMILY WEAVER et al, as Cherokee citizens, consolidating the applications of

Emily Weaver, ---------- M-348.
Thomas Kirk,----------C D-1220.
Charlotte Downing,----------C D 1220.
Peggie Whitmire et al,----------C R-618.

APPEARANCES:
For applicants, R. H. Couch, Westville, I. T.
For the Cherokee Nation, James S. Davenport.

EMILY WEAVER, being first duly sworn, testified as follows:

BY MR. COUCH:
Q What is your name? A Emily Weaver.
Q What is your age, do you know how old you are? A No sir I don't know my age, but I guess I am about 50.
Q You don't know your age? A No sir.
Q Where do you live? A I live in Goingsnake District.
Q What is your post office address? A Proctor.
Q What is your mother's name? A Nellie Coleman.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A To Phillips.
Q Was Phillips a Cherokee Indian? A No sir, his wife was, you see I am thinking about his wife's estate her name was Sidney Phillips, she was a Crittenden when she was married.
Q What was your father's name? A His name was Lewis Crittenden.
Q Was he a Cherokee Indian? A Yes sir.
Q Where did he live? A In Goingsnake District and in Flint District.
Q In the Cherokee Nation? A Yes sir.
Q Were you a slave before the war? A Yes sir, he raised me, Phillips did.
Q Were they Cherokee citizens? A Yes sir.
Q Where were you born? A I was born in Flint District, in the Cherokee Nation.
Q How long did you live in the Cherokee Nation? A I lived in the nation until I was grown and they went out and when,------
Q Do you know where you went when the war commenced? A Yes sir, we went to the Choctaw Nation.
Q How long did you stay over there? A I stayed there until peace was made, I don't know how long, we went at the commencement of the war we went down.

Q These people took you out now at the commencement of the war?
A Yes sir, and when they come back I wasn't able to come back.
Q Then when did you come back to the Cherokee Nation? A I come back a year after peace was made.
Q Next year after peace was made? A Yes sir.
Q You can remember the civil war, can you? A Yes sir.
Q And you can remember the year peace was made? A Yes sir.
Q Do you know what year it was? No sir, I can't remember what year it was.
Q Whereabouts in the Choctaw Nation did you live? A On Red River.
Q Who did you come back to the Cherokee Nation with? A With Will and Lidda Quinton.
Q Where did they settle? A They settled on Thomas' place.
Q Have you lived in the Cherokee Nation continuously since you came back? A Yes sir.
Q Never lived anywhere else? A I have lived anywhere else, I was born and raised here and when I come back I lived here, when they took me out I was grown then.
Q You had some children when they took you out of here? A No sir.
Q Is Lewis Weaver your son? A Yes sir.
Q Mary Crittenden? A Yes sir.
Q Are they on the rolls that you know of? A They said they were on the rolls.
Q Is Tom Kird your son? A Yes sir.
Q How many other children have you? A I have another boy, Rant, he is the eldest child I have got.
Q Is Charlotte Newton your daughter? A Yes sir.
Q Who is her father? A George Robbins.
Q Who did she first marry? A She first married Ellis Whitmire, but they were not lawfully married, they lived together.
Q Who did she marry next? A Downing, Tom Downing.
Q She is the Charlotte Downing who is an applicant for enrollment in the Cherokee Nation? A Yes sir.
Q Is Lottie Robbins your daughter? A Yes sir.

BY THE COMMISSION:
Q Has Charlotte Downing a child by Ellis Whitmire? A Yes sir.
Q Is that child living? A Yes sir.
Q Has she another child? A She has got another one by Bob Bushyhead.
Q Is Henry Bushyhead living? A Yes sir.
Q Are these children living with Charlotte now? A Yes sir.
Q Is Charlotte living? A Yes sir.

BY MR. DAVENPORT:
Q Now Aunt Emily you say you were grown when the war broke out?
A Yes sir.
Q Where were you living when the war came on? A In the Choctaw Nation.
Q Your people had left the Cherokee Nation and gone to the Choctaw Nation before the war began? A Yes sir.
Q Now do you remember the name of what place you were living when you went to the Choctaw Nation? A No sir, they were not in any town.
Q How do you know you were in the Choctaw Nation? A They said we were right among the Choctaws.
Q You might have been in the Chickasaw Nation, mightn't you?
A No sir, it was the Choctaw.
Q Where were you from Braggs Depot or any of these places down there? A I don't remember anything about any towns.

Q Where did you go to get your spoils? A We went to a town there, I forget the name.
Q Who went down there with you? A I was took down there by Phillips people.
Q Who were they? A He was a white man and his family were Cherokees.
Q Who was his family? A Sidney Phillips was a Crittenden before she was married.
Q You don't know what year you went to the Choctaw Nation? A No sir.
Q Nor do you know what year you returned from the Choctaw Nation?
A We returned from there the next year after peace was made.
Q How do you know it was the next year after peace? A Why we just stayed there and come back here, old Aunt Lidda Quinton came back here and bought her place.
Q Who was she? A She was a cousin of Sidney Crittenden, old Bill Crittenden's daughter.
Q You have nothing by which to impress it upon your mind that you came back the next year after war, have you? A No sir, I haven't.
Q You never made application before to be enrolled as a freedman did you? A Yes sir, they all told me I didn't have to make application, I would never need any, I was raised among the Cherokees and always remained here as a Cherokee.
Q Do you know whether you are on any of the rolls of the Cherokee Nation? A I was put on the rolls, I don't know whether I am on or not.
Q Did you at any time draw money when the Cherokees or freedmen were drawing? A No sir.
Q Did you make application to the Kern-Clifton Commission in 1897 to be enrolled as a freedman? A No sir, I always tried to get on the Cherokee rolls.
Q You always claimed you were a Cherokee by blood? A Yes sir.
Q And tried to be enrolled as such? A Yes sir.

LEWIS WEAVER, being first duly sworn, testified as lows:

BY MR. COUCH:
Q What is your name? A Lewis Weaver.
Q How old are you Lewis? A Going on 80.
Q Where do you live? A I live in Goingsnake District.
Q Are you on the rolls of the Cherokee Nation as Cherokee freedmen?
A Yes sir.
Q You have taken your allotment as a Cherokee freedman? A Yes sir.
Q What relation are you to Emily Weaver? A She is my mother.
Q Do you remember when the civil war commenced? A Yes sir, I was quite small.
Q Do you remember where you were when the war commenced? A No sir, I don't remember that.
Q Do you remember what time you came back to the Cherokee Nation after the civil war closed? A As well as I can recollect we came back with old Aunt Lidda Quinton.
Q You remember when peace was made, do you? A Yes sir, I believe I do, I don't know the year, but I remember the time.

Q How long after peace was made until you came back to the Cherokee Nation? A We started back the next year after peace was made I believe as well as I can remember.
Q Where did you go to? A We came from the Choctaw Nation.
Q Where did you go to from the Choctaw Nation? A We came in Goingsnake District.
Q Was that the next year after peace was made? A I believe it was, I aint certain.
Q According to your best recollection was it? A I don't know, I believe it was, I couldn't positive say it was.
Q Do you know who you came back with? A We came back with old Aunt Lidda Quinton.
Q Do you remember where you settled when you came back? A Yes sir.
Q You came back at the same time of your mother? A Yes sir.
Q You all came back together? A Yes sir.
Q You have been admitted as a Cherokee freedman? A Yes sir.
Q Did you ever try to be enrolled as a Cherokee by blood? A Not that I know of.
Q You were born before the war and was a great big boy when the war broke out, wasn't you? A That is what I don't know.
Q You say you are 50 now, you were about 7 or 8 years old when the war broke out? A I don't know my age.
Q Where were you when you first remember anything about being a war, in Texas or Choctaw Nation? A In the Choctaw Nation.
Q Did you ever live in Texas during the war or after the war?
A No sir.
Q What point in the Choctaw Nation did you live? A Down on Red River.
Q How far from Doaksville, do you know anything about that? A Yes sir I remember that place.
Q Now you can't say what year you left that country and came back to the Cherokee Nation? A No sir.
Q No nothing about it at all? A No sir, only that I came back with Aunt Lidda Quinton.
Q Is she living or dead? A She is dead.
Q Is there any other person living besides you and Aunt Emily?
A None only Aunt Lidda Kelly.
Q What point did you return to after the war? A Barren Fork.
Q Near whose place? A Joe Starrs.
Q Is he living? A No sir he is dead.
Q Who is living over there that you came back to after the war that was living at that time? A I don't know any, I don't remember none.
Q Weren't there any people living over there but Joe Starr when you came back? A I remember coming back to his place.
Q How far from his place to some one elses? A I never seen any more places there where we lived there until we got out on the prairie.
Q Who were living on the prairie? A Coon and Ned Foreman.
Q Is any of them living? A Ned is.
Q He knows when you came back? A I guess so.
Q Have you had him as a witness in this case for your mother?
A No sir.

BY THE COMMISSION:
Q You said you came back with Lidda Quinton? A Yes sir.
Q Has she any children living? A Aunt Nellie Kelly.
Q Is that her name now? A Yes sir.
Q Is she a freedman? A No sir.

Q She a Cherokee by blood? A Yes sir.
Q How old is Nellie Kelly? A I couldn't tell you that.
Q Is she older than you? A Yes sir.

EMILY WEAVER RECALLED:

BY THE COMMISSION:
Q What are the names of Nellie Kelly's children that came back with you? A Mrs. Fulton, Tom Kelly, and Wyley Kelly, and Rosanna and Nancy John.
Q Are any of those living now? A Yes sir, Tom Kelly and Rosanna and Jeff Vann's wife.
Q They are living in the Cherokee Nation? A Yes sir.
Q Now when you went down to the Choctaw Nation you were married, were you at that time? A No sir.
Q Didn't you have any children? A Yes sir, I had my oldest one this boy Lewis and Rant and Mary, I just had three.
Q Where was Thomas born? A In the Choctaw Nation.
Q That was sometime during the war while you were going down there?
A Yes sir.
Q Do you remember when the Treaty of Fort Smith was? A No sir I don't remember.
Q Don't remember a thing about that? A No sir.
Q You have always claimed haven't you that you were a Cherokee by blood? A Yes sir.
Q As a matter of fact your mother was a slave? A Yes sir.
Q And your father and mother were never married? A No sir.
Q And you lived with your mother? A Yes sir.
Q Was your mother living when you went south to the Choctaw Nation?
A Yes sir she was but she wasn't with us.
Q What became of her? A She is dead.
Q I am talking now about the beginning of the war? A I don't know where she was, she was in Texas somewhere, she departed with me.
Q Sometime before the war? A Yes sir.
Q And you were kept on the farm? A Yes sir.
Q You say you belonged to Phillips? A Yes sir.
Q Is he living? A No sir, he is dead.
Q Any of his family living? A Yes sir, there is one girl living, Whitmire's wife.
Q How old is she? A I don't know.
Q Was she born before the war? A Yes sir.
Q What is her husband's name? A Charley Whitmire.
Q And she is living today? A Yes sir.
Q Did you come back with Charley some time? A No sir I came back with old Aunt Lidda.
Q Is Lottie Robbins your daughter? A Yes sir.
Q Is she living? A Yes sir.
Q She living with you? A Yes sir.
Q Did you have any children when you went from the Cherokee Nation to the Choctaw Nation? A No sir I never had no children when my folks took me down there.
Q Then how many children were born to you in the Choctaw Nation?
A When we went from where we lived before the war I had the three eldest ones.
Q What was their names? A Rant and Lewis and Mary, then Tom next.
Q These three eldest were born before the war? A No sir, long time of the war these three eldest ones.
Q At the beginning of the war how many children did you have?

A Them three oldest ones at the beginning.
Q And after the war commenced and after you went down to the Choctaw Nation? A Tom was born.
Q Before you came back? A Yes sir.

This case will stand continued by mutual consent and agreement to June 22, 1905.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) George H. Lessley

Subscribed and sworn to before me this 1st day of July, 1905.

(SEAL) (Signed) Myren White

Notary Public.

Maggie O. Kennedy, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie O. Kennedy

Subscribed and sworn to before me this the 1st day of July 1905.

Myren White

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emily Weaver, et al., as citizens of the Cherokee Nation, consolidating the applications of:

Emily Weaver, et al.,	Memoranda 348
Thomas Kirk,	Cherokee D 963
Charlotte Newton,	Cherokee D 1220
Peggie Whitmire, et al.,	Cherokee R 618.

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D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee citizens were made to the Commission to the Five Civilized Tribes by Emily Weaver for herself and minor child, Lottie Robbins; by Susanna Kirk for, among others, her husband, Thomas Kirk, the others included in said application having been here tefore disposed of, their rights to enrollment as Cherokee citizens will not be considered in this decision; and by Charlotte Downing for herself and illegitimate minor children, Peggie Whitmire and Henry Bushyhead. Subsequent to filing her application herein the applicant, Charlotte Downing, was, on December 7, 1901, married to one John Newton, and she will now be listed for enrollment as Charlotte Newton. Copies of the testimony taken on July 19, 1900, at Westville, Indian Territory, in re application for the enrollment of Lewis, Weaver, et al., as Cherokee Freedmen, case No. 1227, and on September 21, 1900, at Vinita, and on October 20, 1902, at Muskogee, Indian Territory, in re application of Thomas Kelly, et al., for enrollment as Cherokee citizens, case No. 3167, are filed herewith and made a part of the record herein.

THE RECORD FURTHER SHOWS: That, under date of October 8, 1901, the Commission to the Five Civilized Tribes rendered its

decision in certain Cherokee memorandum cases, among others that of Emily Weaver, et al., Memoranda case No.348, refusing, under the act of May 31, 1900 (31 Stat., 221), to assume jurisdiction of the application for the enrollment of Emily Weaver and her minor child, Lottie Robbins, as citizens by blood of the Cherokee Nation,and that said decision was,on January 3, 1902 (Departmental letter I.T.D. 5698- 01), affirmed by the Department. And that subsequent thereto the said Emily Weaver and Lottie Robbins were identified on the Cherokee Census roll of 1896, and upon request of the Commission, the record in this case (Memoranda 348) was, on August 2, 1902 (Departmental letter I.T.D. 4641-1902), remanded by the Department "in order that a decision may be prepared in conformity with the facts as now shown,and for the purpose of taking addit onal testimony, if necessary."

THE RECORDS FURTHER SHOW: That all the applicants herein, in their original applications for enrollment applied as Cherokees by blood. In Departmental letter of November 20, 1903 (I.T.D. 3484-02), it was held that the said Emily Weaver, though of one-half Cherokee blood, could not be classified as a Cherokee by blood, but must be classified as a Cherokee freedman. This is considered authority for classifying as a Cherokee freedman, not only Emily Weaver, but also the applicant, Thomas Kirk, son of the said Emily Weaver, who, the evidence shows, was born about the year 1860. Said Departmental letter further rules that an illegitimate child of Emily Weaver supposed to have been born subsequent to the close of the rebellion and prior to the making of the 1880 roll, although of three-fourths Cherokee blood, identified on the Cherokee Census roll of 1896 as a Cherokee by blood, and whose alleged father is identified on the Authenticated Cherokee tribal roll of 1880 as a native Cherokee, was "not entitled to enrollment as a Cherokee by blood" and "took the status of her mother." This is considered authority for classifying as Cherokee freedmen the applicants, Charlotte Newton and Lottie Robbins.

It is not intended in this decision to consider or adjudicate any rights to Cherokee citizenship the applicants Thomas Kirk and Charlotte Newton, formerly Downing, may have acquired by virtue of their marriage to duly recognized citizens by blood of the Cherokee Nation,but only such rights to enrollment as the applicants herein possess as Cherokee freedmen, or Cherokees by blood.

Under the evidence in this case, and after an examination of the records in Cherokee Freedmen cases Nos.1227 and 1259, and Cherokee cases Nos. 351 and 356, and the Cherokee tribal rolls of 1880 and 1896, it is respectfully submitted that the attached diagram, relative to material facts in this consolidated case, is approximately correct.

THE EVIDENCE IN THIS CASE SHOWS:

(1) That the applicants, Emily Weaver and Thomas Kirk, are mother and son and were the slaves of a Cherokee citizen at the commencement of the Rebellion; that during said rebellion they were living outside the limits of the Cherokee Nation, but later returned thereto and established a residence therein, and have since continuously resided in said Nation, and are identified on the Cherokee Census roll of 1896 as Cherokees by blood.

(2) That the applicants Charlotte Newton and Lottie Robbins are illegitimate children of the said Emily Weaver and one Josh Robbins, deceased, who was a Cherokee by blood, were born subsequent to the close of the rebellion and prior to the year 1880, have continuously lived in the Cherokee Nation since birth, and are identified on the Cherokee Census roll of 1896 as Cherokees by blood; that the minor applicants, Peggie Whitmire and Henry Bushyhead, are illegitimate children of the applicant Charlotte Newton, were born since 1890, have continuously lived in the Cherokee Nation since birth, and the former is identified on the Cherokee Census roll of 1896 as a Cherokee by blood, and the latter by a birth affidavit filed herewith and made a part of the record herein. (It is asserted that the minor applicants Peggie Whitmire and Henry Bushyhead, are children of Ellis Whitmire, deceased, and Bob Bushyhead, who, it is alleged, are Cherokees by blood).

(3) That none of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880, and possess no rights to enrollment as Cherokee freedmen or as Cherokees by blood, other than as above indicated.

In view of the foregoing it is considered that in order to properly adjudicate said applicants' rights to enrollment as Cherokee citizens, on September 1, 1902, the only questions to be determined are:

Did Emily Weaver and Thomas Kirk return to the Cherokee Nation, after the rebellion, and establish a residence therein within the time specified in the Whitmire decree? and

Are the minor applicants, Peggie Whitmire and Henry Bushyhead, the children of fathers who were duly recognized citizens of the Cherokee Nation?

V V

EMILY WEAVER, applicant, appeared before the Commission on September 11, 1901, at Fort Gibson, Indian Territory, and testified in part as follows: I am about 60 years old, my post office is Westville, I was born and raised in the Cherokee Nation, have always made my home h re, and have never lived in any other place. I was an applicant for enrollment as a Cherokee citizen in 1896, but was denied. (The records of this office fail to show that this person was an applicant before the Dawes Commission, for citizenship in 1896).

CHARLOTTE NEWTON, applicant, appeared before the Commission on September 11, 1901, at Fort Gibson, Indian Territory, and testified as follows: I am about 30 years old. My post-office is Westville, Indian Territory, and I am the daughter of Emily Weaver and Josh Robbins, deceased, who was a Cherokee by blood. I have two children, Peggie Whitmire and Henry Bushyhead, aged six and three years. Ellis Whitmire and Bob Bushyhead, a Cherokee by blood, are the fathers of my two children. I was not married to either of these men, and never lived with Ellis Whitmire, but did live with Bob Bushyhead about two months "when he went away and left me."

CHARLOTTE NEWTON, applicant, appeared before the Commission on October 18, 1902, at Tahlequah, Indian Territory, and further testified as follows: I have two illegitimate children, Peggie Whitmire and Henry Bushyhead. Ellis Whitmire, who died about five years ago, and Bob Bushyhead, both Cherokees by blood, are the fathers of my children. I never lived with Ellis Whitmire, but did live with Bob Bushyhead three or four months.

CHARLOTTE NEWTON, applicant, appeared before the Commission on November 15, 1904, at Muskogee, Indian Territory, but added nothing material to her former testimony.

EMILY WEAVER, in behalf of Charlotte Newton, same date and place, testified, in part, as follows: I was on Red River, towards Texas, during the war. Af er the rebellion I returned to the Cherokee Nation with Aunt Liddy Quinton, and for sometime thereafter lived with her. I don't know what year this is, don't know any years at all, and never did know any.

LEWIS WEAVER, in behalf of the applicant, Charlotte Newton, same date and place, testified as follows: I was born in '51, '2 or '3, I don't know which; I know I am about 52 or 53 years old, and I live near Westville, Going-Snake District? Cherokee Nation. I am a son of Emily Weaver. My mother had four children born to her before the war: "Rant (Anthony), Tom and Mary and me" and four born since the war: Rachel, Charlotte (Newton), and Lottie Robbins and Sam King, who is dead. Sam was younger than Charlotte and Lottie. I don't know how long my mother lived with the father of Sam King. So far as I know my mother was never married to any of the fathers of her children.

V V

ISRAEL CRITTENDEN, in behalf of applicants, same date and place, testified as follows: I am about 50 or 60 odd years old, and I live near Westville, Indian Territory. I have known Charlotte Newton about all her life. Also know her mother, Emily Weaver, who is my half-sister, same father. I became acquainted with Emily Weaver during the war. I knew Josh Robbins, became acquainted with him in Polk County, Arkansas, during the war. I returned to the Cherokee Nation about two years after the war closed, and found Emily Weaver and Josh Robbins living together with my aunt, Liddy Quinton, about two miles south from where Westville is now situated, in Going-Snake District, Cherokee Nation.

ANTHONY (PANT) CRITTENDEN, in behalf of applicants, appeared before the Commission on November 16, 1904, at Muskogee, Indian Territory, and testified as follows: I am 55 years old and live near hereford, Canadian District, Cherokee Nation. My mother, Emily Weaver, and Josh Robbins began living together in Going-Snake District, Cherokee Nation, about two years after the war closed, and lived together till Josh Robbins' death, several years later. Charlotte and Lottie Robbins were born to Emily Weaver during the time she lived with Josh Robbins.

(The records of this office fail to show that application for enrollment as a Cherokee citizen has been made for this witness, and he cannot be identified on any Cherokee roll in the possession of this office).

SUSANNA KIRK, in behalf of the applicant, Thomas Kirk, appeared before the Commission on December 13, 1900, at Tahlequah, Indian Territory, and testified as follows: I am 35 years old, am a Cherokee by blood, and live in Tahlequah District. My husband's name is Tom Kirk. We were married in 1882. He is about 40 years old, and is a son of Emily Crittenden (Weaver), and has lived in the Cherokee Nation all his life.

THOMAS KIRK, appeared before the Commission on February 21, 1905, at Muskogee, Indian Territory, and testified as follows: My mother's name is Emily Weaver and my father was named Robert Kirk, so my mother told me, I never saw him.

EMILY WEAVER, applicant, appeared before the Commission on June 9, 1905, at Muskogee, Indian Territory, and testified as follows: I don't know my age, I guess I am about 50. My postoffice is Proctor, and I live in Going-Snake District. I returned to the Cherokee Nation the year after peace was made, but I can't remember what year that was. I returned with Will and Lidda Quinton, Mrs. Fulton, Tom Kelly and Wyley Kelly and Rosanna and Nancy John.

LEWIS WEAVER, in behalf of applicants, same date and place, testified as follows: I am going on 50 years old, and I

live in Going-Snake District. Emily Weaver is my mother. After the war closed we (my mother and I) returned to the Cherokee Nation "with old Aunt Liddy Quinton". "We started back the next year after peace was made, that is, I believe it was, but I am not certain."

THOMAS KELLY, in behalf of applicants, appeared before the Commission on July 20, 1905, at Muskogee, Indian Territory, and testified as follows: I am about 57 years old and live in Cooweescoowee District. I became acquainted with Emily Weaver in Polk County, Arkansas, and have known her since before the war. The fall after the war closed we, Emily Weaver, her children, myself and others, started for the Cherokee Nation and arrived in Going-Snake District in February, '66. I was born in Sebastian County, Arkansas, moved from there to Polk County, Arkansas, and never lived in the Cherokee Nation prior to my removal here after the war. Elijah and Sidney Hillips(Cherokee owners of Emily Weaver) had been living in Polk County, Arkansas, for several years before the war came up. "I was married in '67 or '68, I think it was in the fall of '67 --- no, it was the fall of '66". I was married in Greenwood, Sebastian County, Arkansas, in the fall and came to the Cherokee Nation the next spring. We were on our road to the Cherokee Nation when I was married. We had been to the Cherokee Nation before, but Emily Weaver was not with us. She came with us in the spring of '67. I can neither read nor write. My memory is not good and it might be such a thing that I am mistaken a year or two as to these dates. I know George Crittenden, who lives at Westville. I guess he knows when we came to the Cherokee Nation . Jack Alberty came to the Cherokee Nation ahead of us. I think Emily had five or six children when we came to the Cherokee Nation as above indicated. I was mistaken when I said Emily Weaver came to the Cherokee Nation in the spring of '66, it was in the spring of '67. I may be mistaken as to the year I was married, it may have been as late as the year 1868, but I don't think it was that late when we came to the Cherokee Nation. I know Tom Kirk. He was born in Arkansas, and was just big enough to ride a horse when we came to the Cherokee Nation after the war. The first time I came to the Cherokee Nation after the rebellion my father and grandmother were with me, I stayed about a week and went back to Arkansas, where I remained probably a month and we then started to the Cherokee Nation the second time, and came to Skullyville (Choctaw Nation) and made a crop there. My father went back from there and got my grandmother and these slaves. It was our third trip that Emily came with us. "I think me and my woman got married on the first trip". "We moved up to Skullyville County my second trip to the Cherokee Nation, and it was our third trip to the Cherokee Nation that Emily Weaver came with us." I was married in the fall and about the first of the next February following we started on our third trip to the Cherokee Nation. We had two teams stolen after we left Skullyville for the Cherokee Nation and "had to lay over down here just the other side of Fort

Smith. We stayed there about a week. Then we got across the river to Lees Creek and were water bound there a week or two". I don't know how long we were on the road this trip, but think it was in March when we arrived at our destination for we sowed a few oats and put out a corn crop" upon our arrival.

In connection with the foregoing, attention is called to this witness's testimony given before the Commission on September 21, 1900, at Vinita, and on October 20, 1902, at Muskogee, Indian Territory, in his own behalf, Cherokee case No. 3167, Also to a letter written by said witness to Emily Weaver, under date of July 2, 1905, a copy of which is attached to the record herein.

ANTHONY (RANT) CRITTENDEN, in behalf of applicants, same date and place, testified as follows: I am about 55 or 56 years old and live in Canadian District. I am acquainted with Emily Weaver, she is my mother. I lived in Polk County, Arkansas, when the war closed, and left there and went to the Choctaw Nation in 1865. We left the Choctaw Nation in 1866, I don't remember what time in the year, and had traveled about one day when we lost our horses. We had not crossed the Arkansas river at the time our horses were lost. It was either in the fall or winter that we made this trip "and it was in 1867 that we got to where we were going." I think it was along in the spring that we arrived at our destination. We might have been a month and a half making this trip. We were detained several days at Lees Creek, Cherokee Nation, by high water. The party making tis trip was composed of my mother, Emily Weaver, Thomas Kelly, Aunt Lydia Quinton, old man Kelly, and myself. I don't remember of having lived in the Cherokee Nation before the rebellion.

JOHN W. ALBERTY, in behalf of the Cherokee Nation, appeared before the Commission on July 27, 1906, at Muskogee, Indian Territory, and testified as follows: I am 71 years old, am a Cherokee by blood, and my post office is Westville. I have lived in and around the vicinity of Westville for seventy-one years. I knew Elijah Phillips. "He left (the Cherokee Nation) for Polk County, Arkansas, immediately after the Emigrant Payment, it was in, I reckon, about 1852". He moved to Arkansas with his effects and was living there when the war came up. I knew a slave named Nellie who belonged to this Phillips family, who was the mother of Emily Weaver, and who died prior to the commencement of the rebellion. Emily belonged to the Phillips family, was taken to Arkansas with them and was living there when the war came up. After the close of the rebellion I was living on the same place

that I am occupying now, which is about two and a half miles south of Westville. I knew Lydia Quinton, know her before the war. She was a Cherokee by blood and was a cousin of mine. She returned to the Cherokee Nation after the rebellion in February, 1868. I remember this by reason of the fact that "I loaned her a wagon and team to move up there". I know that she brought Emily Weaver to the Cherokee nation with her on the trip made in February, 1868. After the rebellion I left Texas on the first day of September, 1866, and landed in the Cherokee nation the first week in October of the same year, and have since continuously lived in the vicinity of Westville. I made a crop near Westville the next year after my arrival, and the following fall Lige Phillips and Mrs. Quinton came to the Cherokee Nation to select a location. I loaned Mrs. Quinton a wagon to move with and the next February she returned, bringing with her some slaves, among others, Emily Weaver, Joe Weaver and old Levi Robbins also came with her on this trip. I know Tom Kelly, a Cherokee, but don't believe he came to the Cherokee Nation after the rebellion with Lydia Quinton. It seems to me he came in the fall of '68. Lige Phillips, Lydia Quinton and Emily Weaver were living on Red River, Choctaw Nation, when the war closed, and Lige Phillips, taking with him Emily Weaver, moved from there back to Polk County, Arkansas, in February, 1866, and made a crop there that year.

GEORGE CRITTENDEN, in behalf of Cherokee Nation, same date and place, testified as follows: I am 60 years old, and with the exception of four years during the war, have lived in the vicinity of where Westville now is, all my life. I returned to the Cherokee Nation after the rebellion in the fall of 1867. I know Emily Weaver and Joe Weaver, also know Lydia Quinton, but don't know when Emily Weaver and Lydia Quinton returned to the Cherokee Nation. I know when Joe Weaver returned, it was in the spring of 1868, and we made a crop together that year. Joe Weaver was the father of one of Emily Weaver's children. I saw Joe and Emily Weaver during the war. They were then at Lige Phillips' place in Polk County, Arkansas. Aunt Lydia Quinton was not living near Westville when I returned to the Cherokee Nation in 1867, and the first time I saw her was sometime in 1868.

WAT WHITMIRE, in behalf of Cherokee Nation, same date and place, testified as follows: I am 53 years old, am a Cherokee by blood, and my post office is Westville. I lived in the vicinity of Westville before the war, and after the rebellion returned therein the fall of 1866, where I have since continuously lived. I know Emily Weaver, the applicant. The first time I remember seeing her was in January or February, 1868. She had just come in from Polk County, Arkansas, and was with a company composed of the Phillips family, the Kelly family, the Quinton family, and my uncle, Moss Crittenden. I remember this because my father said

"Your old uncle Mose Crittenden has been gone from this country a good while and just got back". During the war we moved first to Cane Hill, Arkansas, then to the Choctaw Nation, on Red River, and were living there when the war closed. There were a good many Alberty's living in our neighborhood on Red River, but I never knew of Lige Phillips or Emily Weaver living down there. I saw Uncle Jack Alberty on Red River during the rebellion but don't know where he lived at that time. The first time I ever saw Lige Phillips or Emily Weaver was in the year 1868, when Lige Phillips bought a farm near Westville. Emily at that time was at his house.

JOHN W. ALBERTY (Uncle Jack), recalled, testified as follows: I knew Watt Whitmire during the rebellion. I lived about thirty-five miles from him, in the Choctaw Nation, on Red River, I lived at the mouth of the Kiamichi river, and he lived up at the mouth of Island Bayou.

C A S E C L O S E D .

FINDINGS OF FACT AND CONCLUSION: It is considered that, following the ruling of the Department in the case of Benjamin Crittenden, et al., (I.T.D. 3484- 02) supra., the applicants, Emily Weaver, Thomas Kirk, Charlotte Newton and Lettie Robbins, possess no rights to Cherokee citizenship as Cherokees by blood.

IT IS FURTHER CONSIDERED: That the evidence in this case shows that the applicants, Emily Weaver and Thomas Kirk, were the slaves of a Cherokee citizen at the commencement of the rebellion; that prior thereto and during said rebellion, they lived outside of the limits of the Cherokee Nation, and did not thereafter, remove to and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; and that all the other applicants herein were born since the close of the rebellion and possess no rights to enrollment as Cherokee freedmen other than as descendants of the saidEmily Weaver.

IT IS FURTHER CONSIDERED: That after ample opportunity having been afforded, the evidence in this case fails to show that the applicants, Peggie Whitmire and Henry Bushyhead are the children of the said Ellis Whitmire, deceased, who, it is alleged, was

a Cherokee by blood,and the said Bob Pushyhead, who it is alleged, is a citizen by blood of the Cherokee Nation, consequently, the application for their enrollment comes within the ruling of the Department in the cases of Eliza Bryant, et al (I.T.D. 544-04) William Rector (I.T.D. 1468- 04) Minnie Duncan et al., (I.T.D. 1476-04), Samantha Chambers (I.T.D. 2296- 04), Ed Williams (I.T.D. 4230-04), and Moses Ross (I.T.D. 6056-04). In connection with tthis last finding, attention is called to the case of Sallie Brooks, et al., Cherokee Freedme n Rejected case No. 54, where, under a somewhat similar, but stronger, record relative to illegitimate descendants of recognized Cherokee citizens, it was held by the Commission that "Aside from the fact that the gross immorality the mother and alleged fathers of said minor applicants acknowledge themselves guilty of, is, in itself, sufficient to discredit their testimony, and render it of little value, it is considered by the Commission that to grant the application for the enrollment of illegitimate minor applicants on the testimony of the mother and putative fathers alone, would be to establish a dangerous precedent---- --- one which could not be safely followed".

IT IS,THEREFORE,ORDERED AND ADJUDGED, that, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Emily Weaver, Lottie Robbins, Thomas Kirk, Charlotte Newton, Peggie Whitmire and Henry Pushyhead, are not entitled to enrollment as Cherokee Freedmen, nor as Cherokees by blood, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby

Commissioner.

Dated at Muskogee, Indian Territory,

this Sep 29 1905.

C-D-1221

IN RE
Application for Enrollment of
INFANT CHILD

Henry [illegible] Reed
as a citizen of

Cherokee Nation

Approved Feb. 10, 1905.

Tams Bixby,
Commissioner.

Department of the Interior
Commission to the Five Civilized Tribes
Filed
Feb 10 1905
Tams Bixby,
Commissioner

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Henry Bushyhead (Here insert name of child), born on the 1st day of January, 1898

Name of Father: Robert Bushyhead a citizen of the Cherokee Nation.

Name of Mother: Charlotte Newton, nee Downing a citizen of the Cherokee Nation.

Postoffice Westville, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Charlotte Newton, nee Downing, on oath state that I am 37 years of age and a citizen by blood, of the Cherokee Nation; that I am the lawful wife of John Newton, who is a citizen, by adoption, of the Cherokee Nation; that a male (Male or Female.) child was born to me on first day of January, 1898; that said child has been named Henry Bushyhead, and is now living.

Charlotte her mark Newton, nee Downing.

WITNESSES TO MARK:

(Must be Two Witnesses.) John Newton

C. A. Hoff

Subscribed and sworn to before me this 2nd. day of February, 1905.

R. H. Couch, Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Emily Weaver, a mid-wife, on oath state that I attended on Mrs. Charlotte Newton, nee Downing, wife of John Newton, on the 1st. day of Jan. 1898; that there was born to her on said date a male (Male or Female.) child; that said child is now living and is said to have been named Henry Bushyhead.

Emily her mark X Weaver.

WITNESSES TO MARK:

(Must be Two Witnesses.) Rachel Woodall

John Newton

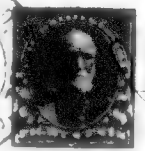
Subscribed and sworn to before me this 3rd. day of Feebuary, 1905.

R. H. Couch, Notary Public.

N.B. Enrolled as Cherokee Jan. 28-1907

MAP

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.



Mrs. Charlie Downing,

Westville, Ind. Ter.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee D-1220

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 1, 1902. 1902.

Mrs. Charlott Downing,

Westville, Indian Territory.

Madam:-

You are hereby notified that the application of yourself

for enrollment as a citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

March 21, 1902

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application, as you may deem necessary.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Register.

Commissioner in Charge



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Mrs. Sarah Downing
Nashville
Tenn.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

IN REPLY TO THE FOLLOWING

C D 1220

Muskogee, I. T., June 12, 1902.

Mrs. Charlott Downing,

Westville, Indian Territory.

Madam:

You are requested to appear before the Commission at its office in Muskogee, Indian Territory, on June 30, and introduce testimony relative to the separation of yourself and your former husband, one James Downing. You are further advised that the proof necessary relates particularly to the cause of said separation. It might be well for you, in addition to your own testimony, to produce two or more witnesses who are familiar with the facts attending said separation.

Yours truly,

Commissioner in Charge.

Register

Cherokee [redacted],
D 1220.

Muskogee, Indian Territory, September 11, 1902.

John O. Robson,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that Charlotte Downing of Westville, Indian Territory, has been directed to appear before you within fifteen days from date hereof, and submit further testimony relative to her identification on the tribal rolls of the Cherokee Nation prior to 1896; also, as to the citizenship of her parents.

In the event that it is impossible for her to furnish such testimony, you are requested to obtain evidence as to the cause of her separation from her husband, James Downing.

This testimony is to be filed in the case of Charlotte Downing for the enrollment of herself as a citizen by blood of the Cherokee Nation, Cherokee No. D 1220; also, in the case of Peggy Whitmire and Henry Busheyhead, Cherokee R 618.

Yours truly,

Acting Chairman.

Cherokee [redacted],
D 1220.

Muskogee, Indian Territory, September, 10, 1902.

Charlotte Downing,

Westville, Indian Territory.

Dear Madam:

You are hereby directed to appear before the Commission to the Five Civilized Tribes at Tahlequah, Indian Territory, within fifteen days from date hereof, and submit evidence in the matter of your identification on the Cherokee tribal rolls prior to 1896; also, evidence as to the citizenship of your parents.

In the event that it is impossible for you to furnish this evidence, it will be necessary for you to introduce testimony as to the cause of your separation from your husband, James Downing.

Please give this matter your immediate attention.

Yours truly,

Acting Chairman.

Cherokee
D-1220 and
~~D-1219~~

Muskogee, Indian Territory, December 13, 1902.

Charlotte Downing,

Westville, Indian Territory.

Dear Madam:-

You are hereby directed to appear before the Commission to the Five Civilized Tribes at its offices at Muskogee, Indian Territory, on or before December 24, 1902, and testify relative to the rights of yourself and children to enrollment as citizens of the Cherokee Nation. You are requested to bring your mother, Emily Weaver, with you and have her testify as to your citizenship.

Please give this matter your immediate attention as your application for the enrollment of yourself and children will not be complete until this testimony has been received.

Respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
ALLISON C. WELLSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, February 20, 1903.

P. G. Reuter,

Clerk in Charge Cherokee Land Office,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 9, enclosing the record in the case of Emily Weaver et al., Cherokee M-348, and stating that this record is now deemed complete.

You also state that, in the consolidated case of Charlotte Downing et al., Cherokee D-1220,and Peggy Whitmire et al., Cherokee R-618, the supplemental testimony taken on January 23, 1903, does not fully develope the citizenship of Josh Robbins as the note attached to D-1220, requesting that Emily Weaver be examined on that point, was not observed at the time that testimony was taken. You ask to be advised as to whether investigation should be made as to the citizenship of Josh Robbins, or whether immediate disposition should be made of the Charlotte Downing case upon the evidence now of record.

In reply, you are advised that the Commission deems it highly important that testimony be taken as to the citizenship of the said Josh Robbins, in order to determine what right, if any, the applicants may have through him.

P.G.R.--2.

You are, therefore, directed to have witnesses appear before you and give testimony on this point in accordance with the notation made on Cherokee case D-1220.

Respectfully,



Acting Chairman.

Muskogee, Indian Territory, June 30, 1904.

Emily Weaver,

Westville, Indian Territory.

Dear Madam:

In the matter of the enrollment of your children, Charlotte Downing, Rachel Woodall and Thomas Kirk, and your grandchildren, Peggie Whitmire and Henry Bushyhead, as citizens of the Cherokee Nation you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the identification on the Cherokee tribal rolls and the residence of the said Rachel Woodall and Thomas Kirk; also further testimony as to the identity on the tribal rolls and the citizenship of Josh Robbins, father of your child Charlotte Downing, also further testimony as to the identity and citizenship of the fathers of your two minor grandchildren above mentioned.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and introduce testimony as above indicated.

Please give this matter your immediate attention.

Respectfully,

Commissioner in Charge.

Cherokee D-1220

Cherokee R-616.

Muskogee, Indian Territory, June 30, 1904.

Charlotte Downing,

Westville, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and your two minor children, Peggie Whitmire and Henry Bushyhead, as citizens of the Cherokee Nation, you are advised that before the Commission can render a final decision in this case it will be necessary that more testimony be introduced as to the identity on the Cherokee tribal roll, and the citizenship of your father, Josh Robbins; also further testimony as to the identity and citizenship of Ellis Whitmire, father of your child Peggie Whitmire, and Bob Bushyhead, father of your child Henry Bushyhead.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Cherokee D-1220

Cherokee R-618.

Muskogee, Indian Territory, June 20, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Charlotte Downing and her two minor children, Peggie Whitmire and Henry Bushyhead, as citizens of the Cherokee Nation, you are advised that before the Commission can render a final decision in this case it will be necessary for further testimony to be introduced as to the identity on the Cherokee tribal roll and the citizenship of Josh Robbins, father of Charlotte Downing; also further testimony as to the identity and citizenship of Ellis Whitmire, father of Peggie Whitmire, and Bob Bushyhead, father of Henry Bushyhead.

The principal applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Saturday, July 16, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire, in rebuttal of that offered by the applicants.

Respectfully,

Commissioner in Charge.

INDEXED

3346

JUL 9 1904

Couch, R.H.
Westville, I.T.,
July 7, 1904.

In matter of Charlotte Downing's application for enrollment in the Cherokee Nation, asks that time for her appearance before Commission be extended.

CHEROKEE ENROLLMENT

7/12

file

D1328

R. H. COUCH
Lawyer.

Westville, I. T. July, 7. 1904.

The Commission to the Five Civilized Tribes,

Muskogee I.T.

Gentlemen,-

In the matter of Charlotte Downing, application for enrollment as a Cherokee Citizen, it will be impossible for her to come before the Commission on the 16th, of July as ordered by the Commission on the 30th of June, as she will likely be confined about the 17th, or at least that is my information, from her, and the Physician retained, whose certificate I herein enclose,

It will be at least the middle of August before it will be safe for my client to make the trip, and we ask that we be permitted to appear on the 16th of August, with our witnesses, to establish our rights.

Will you kindly advise me if this can be done.

I am very truly yours.

R. H. Couch

No.	Received
23331	JUL 9 1904

Beard, D.A.,
Westville, I.T.,
Cherokee Nation,
July 7, 1904.

States Charlotte
Downing will not be able
to appear in her case
before August.

file

D1320

Pure Drugs Medicines Toilet Articles Stationery.	**DR. R. L. SELLERS,** **Druggist.** FRED COUCH Prescription Clerk.	Carry a First-Class Druggists

Westville, Indian Territory July 2 1904

To the Comissioners
Muskogee. I. T.

Dear Sir: Mrs. Chosette Downing will not be able to come down here in August as She is Pregnant and will be confined about the 13th of July She is in very delicate health at present.

Respectfully
D. A. Beard M.D.

Cherokee D-1220.

Muskogee, Indian Territory, July 12, 1904.

Charlotte Downing,

Westville, Indian Territory.

Dear Madam:

The Commission is in receipt of a letter of July 7, from R. H. Couch, Attorney at Law, Westville, Indian Territory, stating that you will not be able to appear before this Commission on July 16, and introduce further testimony in the matter of your application for enrollment, for the reason that your health is not good. He asks that you be allowed to appear in August.

You are accordingly hereby advised that you will be permitted to appear before this Commission at its offices in Muskogee, Indian Territory, on Monday, August 15, 1904, and introduce testimony as heretofore requested.

Respectfully,

Chairman.

Cherokee D-1220

Muskogee, Indian Territory, July 12, 1904.

R. H. Couch,

Westville, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of July 7, stating that Charlotte Downing, whose application for enrollment as a Cherokee citizen has been set for further hearing before the Commission at Muskogee, on July 16, will not be able to appear on that day, as she is in very poor health. You ask that the case be set for some time in August, when you will appear with the applicant and witnesses and endeavor to establish her rights.

In reply you are advised that the applicant has this day been notified that further hearing in her application for enrollment has been continued, and that she will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, August 15, 1904, and introduce testimony as heretofore requested. You are further advised that the Commission's records fail to disclose that you have ever been admitted to practice before this Commission. There is accordingly herewith enclosed a copy of the rules and regulations governing the admission of attorneys and agents before the Commission, together with a blank form of attorney's oath, which you are requested to properly execute and return to the Commission.

Respectfully,

Chairman.

Enc. 8-34

Cherokee D-1220

Muskogee, Indian Territory, July 12, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Charlotte Downing et al., as Cherokee citizens No. D-1220, which case was set for hearing before the Commission at Muskogee, on July 16, you are advised that in accordance with the applicant's request this case has been continued and the applicant has this day been advised that she will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday August 15, 1904, and introduce testimony as heretofore requested. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

Respectfully,

Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee
D-1200 127

Muskogee, Indian Territory, September 29, 1904.

Charlotte Downing,

Westville, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen by blood of the Cherokee Nation, you are advised that before the Commission can render a final decision in this case it will be necessary that you introduce further testimony touching your rights to enrollment as a citizen by blood of the Cherokee Nation.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Tuesday, November 15, 1904, and introduce further testimony as above indicated. In this connection your attention is called to the fact that this case has heretofore, at two different times, been set for further hearing, and you are further advised that on the date above mentioned it will be taken up for final consideration.

Respectfully,

Chairman.

Register.

COPY.

Cherokee
D-1940

Muskogee, Indian Territory, September 29, 1904.

R. H. Couch,

Attorney for Charlotte Downing,

Westville, Indian Territory.

Dear Sir:

The Commission is in receipt of your leter of September 24, asking the Commission to set a time for further hearing in the matter of the application for the enrollment of Charlotte Downing as a citizen by blood of the Cherokee Nation.

In reply you are advised that the said Charlotte Downing has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Tuesday, November 15, 1904, and introduce further testimony touching her rights to enrollment as a citizen by blood of the Cherokee Nation. In this connection your attention is called to the fact that this case has heretofore, at two different times, been set for further hearing, and you are further advised that on the date above mentioned it will be taken up for final consideration.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Register.

COPY.

Cherokee
D-1240

Muskogee, Indian Territory, September 29, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Charlette Downing as a citizen by blood of the Cherokee Nation, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced touching her rights to enrollment as a citizen by blood or the Cherokee Nation.

The said Charlotte Downing has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Tuesday, November 15, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Cherokee D-1230.

Muskogee, Indian Territory, December 27, 1904.

R. H. Couch,

Attorney for Charlotte Downing,

Westville, Indian Territory.

Dear Sir:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory on November 15, 1904 and November 16, 1904, in the matter of the application for the enrollment of Charlotte Downing, as a citizen by blood of the Cherokee Nation; also blank form of receipt which you are requested to fill out, sign and return to the Commission.

Respectfully,

Chairman.

Incl. K-6.

Cherokee D-1220.

Muskogee, Indian Territory, December 27, 1904.

R. H. Couch,

Attorney for Charlotte Downing,

Westville, Indian Territory.

Dear Sir:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory on November 15, 1904 and November 16, 1904, in the matter of the application for the enrollment of Charlotte Downing, as a citizen by blood of the Cherokee Nation; also blank form of receipt which you are requested to fill out, sign and return to the Commission.

Respectfully,

Chairman.

Inel. K-6.

Cherokee D-2901.

Muskogee, Indian Territory, December 27, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory on November 15, 1904 and November 16, 1904, in the matter of the application for the enrollment of Charlotte Downing, as a citizen by blood of the Cherokee Nation.

Respectfully,

Chairman.

Incl. K-5.

COPY.

Cherokee-D-1220.

Muskogee, Indian Territory, February 20, 1905.

Charlotte Newton,

Westville, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of February 16, 1905, relative to your enrollment and allotment as a citizen of the Cherokee Nation.

In reply, you are advised that the Commission has not yet rendered a decision in this case.

You are further advised that, in accordance with a recent ruling of the Commission, any applicant for enrollment as a citizen of the Cherokee Nation may make an allotment selection, and the same will be held pending the final determination of the citizenship of the applicant.

Respectfully,

SIGNED: Tams Bixby.
Chairman.

COPY.

Cherokee D-1220.

Muskogee, Indian Territory, March 25, 1905.

Charlotte Newton,

Westville, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of March 21, 1905, relative to your enrollment as a citizen of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Memo.,348,

et al.

Muskogee, Indian Territory, May 22, 1908.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the applications for the enrollment of Emily Weaver, et al. as citizens of the Cherokee Nation, you are advised that before the Commission can render a final decision in these cases it will be necessary that further testimony be introduced tending to show whether or not the applicants were either slaves of Cherokee citizens or free colored persons residing in the Cherokee country at the commencement of the war of the rebellion, and whether or not they established their residence in the Cherokee Nation in compliance with article nine of the treaty of 1866.

The applicants have, therefore, this day been directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 1, 1908, and introduce testimony as above indicated. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

SIGNED: Tams Bixby.

Chairman.

COPY

Muskogee, Indian Territory, September 29, 1905

The Honorable,

The Secretary of the Interior:

Sir:

There is herewith transmitted the record of proceedings had in the matter of the consolidated applications for enrollment, of Emily Weaver, et al., including the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, classifying Emily Weaver, Lettie Robbins, Thomas Cook, Charlotte Newton, Peggie Whitmire and Henry Bushyhead, as Cherokee Freedmen, and rejecting their applications for enrollment as such.

In connection with said consolidated case of Emily Weaver, et al., transmitted herewith, the Department's attention is invited to the case of Mary Crittenden, Cherokee Freedman No. 1259, formerly Cherokee B 81, wherein it was held by the Commission to the Five Civilized Tribes, in its decision rendered on June 9, 1902, that the said Mary Crittenden, the evidence in said case showing that she was married to a citizen by blood of the Cherokee Nation, was entitled to enrollment as a citizen by intermarriage of said

Nation, the record in said case being duly forwarded to the Department. On November 20, 1903 (Departmental letter I. T.D. 3484-03), without passing upon the question of the legality of a marriage between an Indian and a person of African descent, the Commission was ordered by the Department to enroll the said Mary Crittenden upon the Freedmen Roll, and in pursuance of said order, her name was placed upon the Cherokee Freedmen schedule forwarded to the Department on November 2, 1904, and she is now included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on November 16 , 1904, opposite No. 3495.

The evidence in the said case of Mary Crittenden, Cherokee Freedman 1289, supra., shows the facts therein to be as follows:

That the said Mary Crittenden is identified on the Cherokee Census roll of 1896 as a native Cherokee, was born since the commencement of the rebellion, (It is respectfully submitted, however, that the evidence in the consolidated case herewith transmitted, shows that she was born prior to 1861), and is an illegitimate daughter of the said Emily Weaver, who was the slave of a Cherokee citizen at the commencement of the rebellion, and one Joe Weaver, a citizen by

blood of the Cherokee Nation, and who is duly identified on the Cherokee authenticated tribal roll of 1880, and is included in a partial roll of Cherokees by blood approved by the Secretary of the Interior on January 16, 1903, opposite No. 1108.

In said Departmental letter of November 20, 1903, supra., it was held by the Department that the said Emily Weaver "though half Cherokee blood, was not a Cherokee citizen until the amendment of Section 5, of Article III, of the Cherokee Constitution", said amendment including as Cherokee citizens, among others, those who complied with the provisions of Article IX of the Treaty of 1866 (Cherokee Freedmen); that Emily Weaver "having never married Joe Weaver, the child (Mary Crittenden) took the status of her mother", and that "Mary was therefore not entitled to enrollment as a Cherokee by blood though shown to be of three-fourths Cherokee descent".

The evidence in this case, C.T. 1239, however, fails to show that the said Emily Weaver had established a residence in the Cherokee Nation, after the rebellion, within the time specified in the Wittsire decree, which, under the theory that Mary Crittenden was born subsequent to the commence-

ment of the rebellion, was a material fact, and necessary to be shown in order to entitle Mary Crittenden to enrollment as a Cherokee Freedman.

It is respectfully contended by this office that the evidence taken in the consolidated case of Emily Weaver, Nems 248, et al., herewith transmitted, shows that the said Mary Crittenden was born prior to, and was the slave of a Cherokee citizen at the commencement of, the rebellion; and that she resided outside the limits of the Cherokee nation during said rebellion, and did not return to and establish her residence therein, within the time specified in the said Whitmire decree.

It is therefore, respectfully recommended that if the Department affirms the decision of this office in the consolidated case of Emily Weaver, et al., herewith transmitted, that the case of Mary Crittenden, Cherokee Freedmen 1369, be reopened and reviewed.

Respectfully,

ENGINE

Tams Bixby.
Commissioner

Through the

Commissioner of Indian Affairs.

Encl. R 100
LMB

Cherokee D-1220,
Cherokee R-618.

COPY.

Muskogee, Indian Territory, September 30, 1905.

Charlotte Newton,

Westville, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting, among others, your applications for the enrollment of yourself and minor children, Peggie Whitmire and Henry Bushyhead, as Cherokee freedmen. There has heretofore been furnished your attorney, R. H. Couch, Westville, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED.

Tams Bixby.

Commissioner.

Invl. 2-126
Revised

Cherokee Memo.

348, et al.

COPY.

Muskogee, Indian Territory, September 30, 1905.

R. H. Couch,

Attorney for Emily Weaver, et al.,

Westville, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applications for the enrollment of Emily Weaver, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED.

Tams Bixby.

Commissioner.

Incl. S-128
Register

Cherokee Memo.

348, et al.

COPY.

Muskogee, Indian Territory, September 30, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1908, rejecting the applications for the enrollment of Emily Weaver, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

[redacted]

Tams Bixby.

Incl. 9-139

Commissioner.

D. C. 51590-1905.
I.T.D.14654-1905.
LRS

Y.P.
FHE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 10, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of Indian Office letter of November 7, 1905 (Land 87305), in which it is recommended that your decision in the Cherokee freedman case of Emily Weaver, et al., be not concurred in. The case was submitted with your letter of September 29, 1905.

It is requested that you furnish the attorneys for the Cherokee Nation with a copy of the Indian Office letter, and advise them that twenty days will be allowed them within which to file any argument they may desire, evidence of service of a copy thereof upon the principal applicants to be furnished; also advise the principal applicants that they will be allowed ten days within which to reply to any argument made by said attorneys.

Respectfully,

(Signed) Thos Ryan
First Assistant Secretary.

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
87305-1905.

November 7, 1905.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of October 30, 1905, (I.T.D.14006), I have the honor to return the record in the matter of the application of Emily Weaver, et al., for enrollment as citizens of the Cherokee Nation, which was transmitted with Office report of October 23, 1905, and returned for further consideration, as requested in Office letter of October 25. The Commissioner to the Five Civilized Tribes, under date of September 29, 1905, classified Emily Weaver, Lottie Robbins, Thomas Kirk, Charlotte Newton, Peggie Whitmire, and Henry Bushyhead, the applicants, as Cherokee freedmen, and rejected their applications for enrollment.

Emily Weaver's mother, Nellie Cole, was of African descent and had no Cherokee blood. Emily Weaver is the daughter

of the said Nellie Cole and Lewis Crittenden, a Cherokee citizen. Lottie Robbins, Thomas Kirk, and Charlotte Newton, are children of Emily Weaver. Charlotte Newton and Lottie Robbins are her illegitimate children by Josh Robbins, deceased, a citizen by blood of the Cherokee Nation. Susanna Kirk is the wife of Thomas Kirk. Peggie Whitmire and Henry Bushyhead are the illegitimate children of Charlotte Newton. It is claimed by Charlotte Newton that Ellis Whitmire, deceased, was the father of Peggie Whitmire, and that Bob Bushyhead is the father of Henry Bushyhead, and that Ellis Whitmire and Bob Bushyhead were Cherokees by blood.

The Commissioner to the Five Civilized Tribes found that Emily Weaver and her son, Thomas Kirk, were the slaves of a Cherokee citizen at the commencement of the war; that during the war they were living outside the limits of the Cherokee Nation, but returned thereto and established a residence therein, and have since continuously resided in the Cherokee Nation. He, however, rejected all of the applicants, and takes the position that they are not entitled to enrollment as Cherokees by blood or as Cherokee freedmen under the provisions of the Act of June 28, 1898, (30 Stats. 495).

Susanna Kirk, wife of Thomas Kirk, is not a party to the case, and Mr. Bixby did not consider or adjudicate any rights to Cherokee citizenship Thomas Kirk and Charlotte

Newton, formerly Downing, may have acquired by virtue of their respective marriages to duly recognized citizens by blood of the Cherokee Nation, but confined his whole consideration of the case to such rights to enrollment as the applicants possessed as Cherokee freedmen or Cherokees by blood.

It appears to this Office that the first question to determine in this case is whether or not Emily Weaver and Thomas Kirk returned to and established a residence in the Cherokee Nation on or before February 11, 1867, in accordance with the provisions of the treaty of 1866, and second, whether applicants Peggie Whitmire and Henry Bushyhead, the illegitimate children of fathers who were recognized as citizens of the Cherokee Nation, should be enrolled if it is found that Emily Weaver did return to the Nation in accordance with the provisions of the treaty mentioned.

Emily Weaver is enrolled on the Cherokee census roll of 1896 at No. 489, Thomas Kirk at No. 1956, Lottie Robbins at No. 1764, and Charlotte Kirk, now Newton, at No. 1872.

The testimony in the case as to the return of Emily Weaver and Thomas Kirk is very conflicting, and the Commissioner to the Five Civilized Tribes found that they did not remove to and establish a residence in the Cherokee Nation on or before February 11, 1867. Emily Weaver testified that she

was born and raised in the Cherokee Nation; that it has always been her home; and that she has never lived at any other place. She subsequently testified, however, that she returned to the Cherokee Nation, the year after peace was declared, with Will and Lydia Quinton, Mrs. Fulton, Thomas Kelly, Wyley Kelly, and Rosanna and Nancy Johnson. Charlotte Newton was born after her mother's return to the Indian Territory, and she testified that Ellis Whitmire and Bob Bushyhead were the fathers of her illegitimate children, Peggie Whitmire and Henry Bushyhead; that she never lived with Ellis Whitmire, but did live with Bob Bushyhead two months. She subsequently said she lived with Bob Bushyhead three or four months.

The testimony of Lewis Weaver does not contain any information as to the return of Emily Weaver and Thomas Kirk.

Israel Crittenden testified that he returned to the Cherokee Nation about two years after the war closed, and found Emily Weaver and Josh Robbins living together with his aunt Lydia Quinton.

Anthony (Rant) Crittenden said that his mother, Emily Weaver and Josh Robbins began living together about two years after the war closed, and that Charlotte and Lottie Robbins were born to Emily Weaver during the time she lived with Josh Robbins.

The testimony of Susanna Kirk, with reference to the return of her husband, Thomas Kirk, and his mother, Emily

Weaver, is immaterial, as she knows nothing about their return, being only 35 years of age.

Lewis Weaver testified that after the close of the war, he and his mother returned to the Cherokee Nation with Lydia Quintom, and that they started back the first year after peace was declared.

Thomas Kelly testified that Elijah and Sidney Phillips were the owners of Emily Weaver; that they had been living in Polk County, Arkansas, for several years before the commencement of the Rebellion; that he was married in 1867 or 1868 or 1866; that his marriage occurred during his return to the Cherokee Nation, and that Emily Weaver did not return with him, but that she returned in the Spring of 1867. This witness cannot read or write, and his memory as to his marriage seems to be indefinite. He first said it was in 1867 or 1868, and then that it was in the Fall of 1867, and again in the Fall of 1866. He also testified that Emily Weaver returned with him on his third trip to the Cherokee Nation.

Under date of July 2, 1905, Thomas Kelly addressed a letter to Emily Weaver, as follows:

"You started with us from Polk Co. Ark. for the Cherokee Nation in the fall of 1865, we got as far as Skullyville, Choctaw Nation & we was obliged to stop and make a crop in 1866, some of our horses & ewen was stolen you remember, then we went on, & got to Goingsnake District in Mch. of 1867. Yes, we was on out way before Jan.1, '67, but owing to our stock being stolen it was in Mch. before we got there."

Anthony (Rant) Crittenden subsequently testified that he and his mother, Emily Weaver, and others, left the Choctaw Nation in 1866; that they had travelled one day when they lost their horses "and it was in 1867 that we got to where we were going." He said that they arrived at their destination in the Spring; that they were probably one and one half months making the trip, and that the party making the trip was composed of his mother, Emily Weaver, Thomas Kelly, Lydia Quinton, "old man Kelly," and himself. All of the witnesses above mentioned were summonsed before the Commissioner on behalf of the applicants.

John F. Alberty says that Elijah Phillips was the owner of Nellie Cole, mother of Emily Weaver; that Nellie Cole died prior to the commencement of the Rebellion, and that Elijah Phillips left the Cherokee Nation for Polk Co., Arkansas, immediately after the emigrant payment "about 1852." He also said that Lydia Quinton was his cousin; that she returned to the Cherokee Nation in 1868; that he loaned her a wagon and team with which to remove, and to the best of his knowledge in the Fall of 1866 Lydia Quinton and Emily Weaver were living on the Red River, in the Choctaw Nation.

George Crittenden saysthat he returned to the Cherokee Nation in 1867, but that he did not see Emily Weaver until sometime during the year 1868.

Wat Whitmire testified that the first time he remembers seeing Emily Weaver in the Cherokee Nation was in January

or February 1868. He further testified that during the war he removed to Cane Hill, Arkansas, then to the Red River in the Choctaw Nation, where he was living at the close of the war, but that he never knew of Emily Weaver living in that vicinity.

Mary Crittenden is a daughter of Emily Weaver, and the Department on November 20, 1903, (I.T.D. 3484-1902), in determining the Mary Crittenden case, said, in speaking of the amendment to Section 5 of Article 3 of the Cherokee Constitution, ---

"By this act of enfranchisement Emily Weaver and her daughter, Mary Crittenden became citizens of the Nation. Mary was therefore not entitled to enrollment as a Cherokee by blood though shown to be of three-fourths Cherokee descent. She was, however, and is shown to be entitled to enrollment as a Cherokee citizen upon the freedmen's roll. She was placed upon the 1896 census roll compiled by the Cherokee authorities. Being of three fourths Cherokee descent, born, and always resident in the Cherokee country, of a mother entitled to be enrolled as a citizen under the provisions of Article 9 of the Treaty of July 19, 1866 (14 Stat., 799,801), and actually enrolled by the Cherokee authorities, it cannot be said that her recognition and enrollment was either "by fraud or without authority of law." The roll of 1896 is evidence of her right, and the facts fail to negative the prima facie case thereby made for her by her enrollment and recognition by the Cherokee authorities as a citizen."

From the testimony of Thomas Kelly, Anthony (Rant) Crittenden and Lewis Weaver, it would seem that Emily Weaver and Thomas Kirk did not return to the Cherokee Nation on or before February 11, 1867.

The testimony of the other witnesses, both for and

against Emily Weaver and Thomas Kirk is to the effect that they did return before February 11, 1867, or that such witnesses did not see them in the Cherokee Nation until during the year 1868. Emily Weaver and Thomas Kirk might easily have been in the Cherokee Nation and in the Going Snake District without the witnesses having had knowledge of such fact.

This Office is of the opinion that the preponderance of the testimony shows that Emily Weaver and Thomas Kirk returned to the Cherokee Nation within the time limit fixed by the Treaty of 1866. Furthermore, in the Mary Crittenden case the Department has practically settled the status of Emily Weaver.

Under the position taken by the Department in the Mary Crittenden case, it appears to this Office that Emily Weaver, Thomas Kirk, Lottie Robbins, and Charlotte Newton, are entitled to enrollment as Cherokee freedmen, but not as Cherokees by blood, and it is recommended that the decision of the Commissioner to the Five Civilized Tribes, so far as these applicants are concerned, be reversed, and that he be directed to enroll them as stated.

The Office also considers that it is clearly shown that Ellis Whitmire, deceased, a Cherokee citizen, was the father of Peggie Whitmire, the illegitimate child of Charlotte Newton, and that Bob Bushyhead, a Cherokee citizen, is the father of Henry Bushyhead, also an illegitimate child

of Charlotte Newton. The Commissioner to the Five Civilized Tribes invited attention to the Commission's holding in several cases, and especially in the case of Mary Counsel, et al., wherein the Commission said:

"Aside from the fact that the gross immorality of the mother and alleged fathers of said minor applicants acknowledge themselves to be guilty of , is, in itself, sufficient to discredit their testimony and render it of little value, and it is considered by the Commissioner that to grant the application for the enrollment of illegitimate minor applicants on the testimony of the mother and putative fathers alone, would be to establish a dangerous precedent--one which could not be safely followed."

It appears to the Office that the position of the Department in the Nancy Ray case, November 22, 1902, (I.T.D. 5043-1902) is applicable to this case, and should be followed. Because of the immorality of the parents of these children, they should not be deprived of their citizenship in the Cherokee Nation, if entitled to such rights. In the Nancy Ray case the Department said:

"Had Congress intended to limit the right to those of legitimate descent, or descendants born in lawful wedlock, presumably it would have so provided. No reason can be assigned to exclude illegitimate descendants of male citizens and to admit such descendants of female citizens, except tribal law or usage. But tribal law or usage is not recognized by the act as authority for action of your Commission in respect to persons descended from persons born on the roll of 1880. In providing without limitation or reserve that descendants of such persons shall be enrolled, illegitimates, on either side, cannot be excluded without importing into the act words of limitation not enacted by Congress and in face of the facts that such words in a former act were ex industria excluded in framing the act in question."

It is believed by the Office that under the Department's holding in the Nancy Ray case, Peggie Whitmire and Henry Bushyhead are entitled to enrollment as citizens of the Cherokee Nation, but that under the position taken by the Department in the Mary Crittenden case, they should be enrolled as Cherokee freedmen, instead of as Cherokees by blood, and the Office recommends accordingly.

In order that the Department may have the entire record relating to the return of Emily Weaver before it, the record in the Mary Crittenden case is enclosed.

Attention is invited to the statements in the Commissioner's report recommending the rejection of the applicants in the Emily Weaver case, and that if such action be taken, the Mary Crittenden case be re-opened and reviewed.

It is requested that this report be substituted for Office report of October 22, 1908, (Land 78412-1908—79387-1905), relating to this same subject.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

G.A.W.
LC.,

COPY.

Cherokee
D-1220

Muskogee, Indian Territory, November 23, 1905.

Charlotte Newton,

Westville, Indian Territory.

Dear Madam:

In connection with the Cherokee enrollment case of yourself, et al., you are hereby advised that this office is in receipt of Departmental letter of November 10, 1905, inclosing a copy of Indian Office letter of November 7, 1905, in which it is recommended that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the application for the enrollment of the applicants embraced in said case be not concurred in.

This office is instructed to advise the Attorneys for the Cherokee Nation that they will be allowed twenty days from date of notice within which to file any argument they desire to make, evidence of service of a copy thereof upon the principal applicants to be furnished, and also to advise the principal applicants that they will be allowed ten days additional time within which to reply to any argument made by said Attorneys.

You are, therefore, hereby advised that the Attorneys for the Cherokee Nation have this day been notified that they will be allowed twenty days from date hereof within which to file such ar-

gument as they desire to make in this case, proof of service of a copy of the same upon the principal applicants in said case to be furnished. You are further advised that you will be allowed ten days additional time within which to file such reply as you desire to make to any argument made by said Attorneys.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

[redacted].

Acting Commissioner.

Incl. GL-24.
GHH.

Muskogee, Indian Territory, December 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of November 10 (I.T.D. 14654-1905), there is transmitted herewith brief and argument on behalf of the Cherokee Nation in the Cherokee freedmen enrollment case of Emily Weaver, et al., (Muse 348), evidence of service of a copy thereof on R. M. Couch, attorney for applicants, being furnished. There is also transmitted herewith reply brief of said R. M. Couch. There is nothing to show that copy of this reply brief has been served on the attorneys for the Cherokee Nation.

You are advised that subsequent to the time the principal applicants in this case and their attorney were notified of Department's letter of November 10, in which the Nation was allowed twenty days to file any argument it desired, and the applicants ten days additional within which to reply to any argument made by the attorneys for the Cherokee Nation, Mr. Couch informally advised this office that he was a notary public, and

he was informed of the rules of the Department with reference to notaries public being permitted to practice before it. This office has not been advised as to whether or not Mr. Cowan has surrendered his commission as a notary public for the Northern district of Indian Territory.

Respectfully,

Incl. 8-106

Commissioner.

Through the
Commissioner of Indian Affairs.

Cherokee
D 1220

Muskogee, Indian Territory, January 20, 1906.

Charlotte Newton,

Westville, Indian Territory:

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of January 10, 1906, returning the argument of R. H. Couch in behalf of applicants in the Cherokee freedman enrollment case of Emily Weaver, et al., for the reason that he had not been admitted to practice before the Department, and for the further reason that the argument bears no evidence of service upon the Attorneys for the Cherokee Nation.

Respectfully,

GHL

Commissioner.

Cherokee
D 1220

Muskogee, Indian Territory, January 20, 1906.

Charlotte Newton,

Westville, Indian Territory:

Dear Madam:

You are hereby advised that this office is in receipt of Departmental letter of January 10, 1906, returning the argument of R. H. Couch in behalf of applicants in the Cherokee freedman enrollment case of Emily Weaver, et al., for the reason that he had not been admitted to practice before the Department, and for the further reason that the argument bears no evidence of service upon the Attorneys for the Cherokee Nation.

Respectfully,

GHL

Commissioner.

Cherokee 51220
~~Muskogee~~ et al.

Muskogee, Indian Territory, January 20, 1906.

R. M. Couch,

Westville, Indian Territory.

Dear Sir:

There is inclosed herewith argument filed by you in behalf of applicants in the Cherokee freedman enrollment case of Emily Weaver, et al. The argument was returned to this office with Departmental letter of January 10, 1906, to be returned to you with the advice that you have not been admitted to practice before the Department, and that the argument bears no evidence of service upon the Attorneys for the Cherokee Nation.

Respectfully,

Incl. 6L-30.
GHL

Commissioner.

Ch. S 1220

D. C. 8096-1906.
I.T.D. 132-1906.
LRS

Y.P.
FHE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

January 10, 1906.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The argument in the Cherokee freedman case of Emily Weaver, et al., by R. H. Couch for applicants, received with your letter of December 23, 1905, is inclosed to be returned to Couch.

It appears that he has not been admitted to practice before the Department, and the argument bears no evidence of service upon the attorneys for the Cherokee Nation.

You will advise the principal applicants of this action.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Cherokee D-1220.

Cherokee R-618.

Muskogee, Indian Territory, April 7, 1906.

W. W. Wright,

Corcoran Building,

Washington, D. C.

Dear Sir:

This office is in receipt of your letter of March 31, asking that you be entered as attorney of record for Charlotte Newton, Peggie Whitmire and Henry Bushyhead, applicants for enrollment as citizens of the Cherokee Nation, and that you be notified when a decision is rendered in their case.

In reply you are advised that on September 29, 1905, the Commissioner to the Five Civilized Tribes rendered his decision rejecting the application for the enrollment of the above named applicants as Cherokee freedmen, and the same was, on that date, forwarded to the Secretary of the Interior for his review and decision.

You have been entered as attorney of record for these applicants and will be advised of any further action taken in their case.

Respectfully,

LS

Acting Commissioner.

D. C. 12066-1906. COPY

WASHINGTON, D. C.
March 31, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, I. T.

Dear Sir:-

In re Cherokee Freedman enrollment case of Emily Weaver, et al. I desire to enter my appearance in behalf of Charlotte Newton, Peggie Whitmire, and Henry Bushyhead, applicants in the above entitled application. I am advised by the Indian Office that this case is now pending before your office.

I do not desire to file any argument at this time, but request that I be notified of your decision in the case, so that I may give the same any necessary attention when the record reaches Washington.

Thanking you in advance,

Very respectfully,

W. W. Wright.

Muskogee, Indian Territory, May 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith petition made by I. P. Bledsoe, Choteau, Indian Territory, that the Cherokee enrollment case of Emily Weaver, et al. (Memorandum 348 et al.), be remanded to this office "for review and the introduction of new and material evidence recently discovered." There is also enclosed reply to said petition made by the attorneys for the Cherokee Nation.

On January 3, 1902 (I.T.D. 5698-1901), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated October 8, 1901, refusing, under the Act of Congress of May 31, 1900 (31 Stat., 221), to assume jurisdiction of the application for the enrollment of Emily Weaver and her minor child, Lottie Robbins, as citizens by blood of the Cherokee Nation; that subsequent thereto said applicants were identified on the 1896 Cherokee Census Roll, and upon request of the Commission their case was, on August 8, 1902 (I.T.D. 4441-1902), remanded to be readjudicated in the light of that evidence and for the purpose of taking additional testimony, if necessary.

In Departmental letter of November 20, 1903 (I.T.D. 4441-1902), it was held that Emily Weaver, though of one-hal-

Cherokee blood, could not be classified as a Cherokee by blood but must be classified as a Cherokee freedman. On September 29, 1905, the Commissioner, consolidating the application of Emily Weaber with those of her children and grandchildren, held that the applicants were not entitled to enrollment as Cherokee freedmen and their applications for enrollment as such were denied.

An examination of the petition shows that the "new and material evidence recently discovered" is an

> "Act of the National Council of the Cherokee Nation, I. T. admitting all of us to citizenship on December 15, 1869, an authenticated copy of which is hereby submitted also the statements of two old reliable Cherokees citizens by blood, showing our residence, standing and our return to the Cherokee Nation and our blood, family relations and our continuous residence therein since that time, (spring of 1868). Your petitioner would state that she is entitled to enrollment as a Cherokee by blood as her father Lewis Crittenden is an Indian (1/4 Cherokee) by blood and on the authenticated rolls of said Nation, and that she is also entitled to enrollment as a Cherokee freedman under the laws and treaties governing same, having been the slave of Sidney Phillips, a Cherokee Indian, and the wife of Josh Robins, a Cherokee Indian, by whom she had two children, (Charlotte & Lottie) whose father was Levi Robins."

The copy of the Act of the Cherokee National Council approved December 15, 1869, which is certified to by C. J. Harris, Assistant Executive Secretary of the Cherokee Nation, under the Nation's seal, shows that on that date, among others, Levi Robbins and family were readmitted to citizenship in the Cherokee Nation as Cherokees by blood. The

paper attached to the petition purports to be an affidavit signed by Cale Wright and Charles Whitmire, but is not sworn to. It is stated in this document that Cale Wright and Charles Whitmire have known the applicant Emily Weaver since the years 1868 and 1870; that she is a daughter of Charles Crittenden, a Cherokee by blood, and the slave of Sidney Phillips, a Cherokee, and that she returned to the Cherokee Nation in the spring of 1868, and that Josh Robbins, a son of Levi Robbins, is the father of Charlotte and Lettie Robbins.

A number of hearings have been had in the consolidated case of Emily Weaver, et al., and the testimony introduced, both for and against the applicants, is very voluminous. The action of the Cherokee National Council of December 18, 1869, readmitting certain persons to citizenship in the Cherokee Nation, when taken in connection with the record of proceedings had in this case, shows that said action could not be construed as admitting or recognizing any of the applicants herein as Cherokee citizens.

There appears to be nothing in the petition or purported affidavit attached which was not considered when a decision was rendered in the case by the Commissioner on September 29, 1903. The Department has held that Emily Weaver could not be classified as a Cherokee by blood, and

Secretary--4.

It is admitted in the affidavit and petition that she did not return to the Cherokee Nation and establish a residence therein within the time limited by the Treaty of 1866.

It is, therefore, respectfully recommended that the petition be denied, and that this office's decision of September 29, 1908, rejecting the applicants be approved.

The Commissioner's decision in this case was forwarded to the Department with letter of September 30, 1908.

Respectfully,

Encl. Pl-El.
CHL

Commissioner.

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, February 26, 1907

The Honorable,

Secretary of the Interior.

Sir:

February 18, 1907 (I.T.D. 16254-1906, 1674-1907), the Department directed this office to enroll Emily Weaver and Thomas Kirk as Cherokee Freedmen, and Charlotte Newton, Lottie Robbins, Peggy Whitmire and Henry Bealyhead as citizens by blood of the Cherokee Nation.

In accordance with this direction there is enclosed a Cherokee Freedmen schedule containing the names of Emily Weaver and Thomas Kirk. There is also enclosed a schedule of Cherokee Indians by blood containing the names of Charlotte Newton, Lottie Robbins, Peggy Whitmire and Henry Bealyhead. It will be noted that no full enrollment have been given the persons whose names appear upon the schedules herewith transmitted. This action was taken in accordance with procedure reported by me to the Department

Secretary.

on January 23, 1907, and approved by the Department February 9, 1907. It is recommended that numbers be placed upon these schedules in consecutive order by Mr. Embry, the employe of my office now in Washington.

You are advised the Attorney for the Cherokee Nation protests against the enrollment of the persons whose names appear upon these schedules, and his protest filed February 21, 1907, is enclosed.

Respectfully,

Commissioner

Through the Commissioner of Indian Affairs.

Encl. D-49

Cherokee D 1220

Muskogee, Indian Territory, March 8, 1907.

Charlotte Newton,

Westville, Indian Territory.

Dear madam:

You are hereby advised that this office is in receipt of Departmental decision of February 18, 1907, granting your application for enrollment as a citizen by blood of the Cherokee Nation.

Respectfully,

MK

Commissioner.

Cherokee D-1220
D-963 R-618

Muskogee, Indian Territory, March 8, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on February 18, 1907, the Secretary of the Interior directed the enrollment of Emily Weaver and Thomas Kirk as Cherokee freedmen, and Charlotte Newton, formerly Downing, Lottie Robbins, Peggy Whitmire and Henry Bushyhead as citizens by blood of the Cherokee Nation.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Enc. K-84

MH

Commissioner.

Cherokee D-1220
D-965 R-618

Muskogee, Indian Territory, March 6, 1907.

I. P. Bledsoe,

Attorney for Emily Weaver, et al.,

Cheuteau, Indian Territory.

Dear sir:

You are hereby advised that on February 18, 1907, the Secretary of the Interior directed the enrollment of Emily Weaver and Thomas Kirk as Cherokee freedmen, and Charlotte Newton, formerly Downing, Lottie Robbins, Peggie Whitmire and Henry Bushyhead as citizens by blood of the Cherokee Nation.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Enc. M-63

MH

Commissioner.

Cherokee D 1230-
D 965- R-618.

Muskogee, Indian Territory, March 6, 1907.

W. W. Wright,
Attorney for Emily Weaver, et al.,
Washington, D. C.

Dear sir:

You are hereby advised that on February 16, 1907, the Secretary of the Interior directed the enrollment of Emily Weaver and Thomas Kirk as Cherokee freedmen, and Charlotte Newton, formerly Downing, Lottie Robbins, Peggie Whitmire and Henry Buckyhead as citizens by blood of the Cherokee Nation.

For your information there is enclosed a copy of the Department's decision.

Respectfully,

Enc. M-62

Commissioner.

MM

C.R.V.

DEPARTMENT OF THE INTERIOR, LLB

D.C. 10337-1907. WASHINGTON.

I.T.D.14654-1905.
3674-1907.

February 18, 1907.

L.R.S.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with an approved opinion of the Assistant Attorney-General dated February 15, 1907, in the matter of the Cherokee enrollment cases of Emily Weaver et al. and Mary Crittenden et al., you are directed to enroll Emily Weaver and Thomas Kirk as Cherokee freedmen, and Charlotte Newton, formerly Downing, Lottie Robbins, Peggy Whitmire, and Henry Bushyhead as citizens by blood of the Cherokee Nation. A copy of said opinion is inclosed. A copy of Indian Office letter of November 7, 1905, was sent you November 10, 1905.

The papers in the case and a carbon copy of said opinion, also hereof, have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan

1 inc. and 19 to Ind. Of. First Assistant Secretary

A.F.Mc
2-19-07

DEPARTMENT OF THE INTERIOR. S.W.H.

I.T.D.
8698-1901.
10996-1906.

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL.

WASHINGTON.

February 15, 1907.

The Secretary of the Interior.

Sir:

By reference of November 17, 1906, I am in receipt of the papers in the Cherokee enrolment cases of Emily Weaver et al. and Mary Crittenden et al., with request for my opinion thereon.

The Mary Crittenden case was the subject of departmental decision of November 20, 1903. Therein it was found that Mary Crittenden is the daughter of the said Emily Weaver; that the latter is a Cherokee freedman, and that, accordingly, the former should also be so classified and enrolled.

The Commissioner to the Five Civilized Tribes now decides adversely to the enrolment of Emily Weaver and her descendants as Cherokee freedmen. Although the Commissioner finds that Emily Weaver and her son Thomas Kirk were the slaves of a Cherokee citizen at the commencement of the war, he concludes that they did not return to and "establish a residence" in the Cherokee nation by February 11, 1867.

On November 7, 1905, in a communication of some length

and after a detailed analysis of the testimony, the Indian Office recommended that the applicants in the Weaver case be all enrolled as freedmen, expressing at the same time the opinion that applicants Peggy Whitmire and Henry Bushyhead are also entitled to be enrolled as citizens by blood.

The testimony is to the effect that Emily Weaver is at least a half-blood Cherokee, born in the Cherokee Nation about 1841. Her father was a Cherokee; her mother was a slave, having, it is claimed, some Indian blood. Prior to the war she was carried by a Cherokee family, with the consent of the Cherokee family to which she belonged, out of the nation. Before and during the war she was held in servitude, both in Arkansas and the Choctaw Nation, by the family in whose custody she had been placed. Apparently this family carried her from Arkansas into the Choctaw Nation in 1863 and there held her until the close of the war. In the fall of 1866, according to the testimony of the applicants, Emily Weaver and her son started, with others, for the Cherokee country, arriving therein within the time fixed by the treaty of 1866.

In my opinion Emily Weaver, held as she was in restraint and servitude, never established or acquired a domicil beyond the limits of the Cherokee Nation. That has always been her home and her return thereto had no greater significance than the return of

any absentee to his home after a temporary absence. But even if it be true that in such cases the law places the same duty upon the applicants as it imposes in cases where, during the war, they voluntarily adopted other places than the Cherokee Nation as homes, still Emily Weaver and her descendants are entitled to enrolment. The Indian Office finds that the preponderance of evidence is to the effect that they returned to the Cherokee Nation in due time. I concur in this conclusion, which is corroborated by the fact that the national authorities themselves placed the name of Bullette or (Lewis) Weaver, son of Emily, upon the 1880 roll as an "adopted colored." They also enrolled her daughter, Rachel Woodall, on the 1880 roll of citizens by blood. Besides this, the Department found in said decision of November 20, 1903, which is evidently correct, that Emily's daughter, Mary Crittenden, was entitled to enrolment. It further appears that the names of all the applicants are borne upon the 1896 census roll of citizens by blood, except Henry Bushyhead, who was born after the making of said roll. While the applicants' showing appears thus, the rebuttal testimony is, in the main, negative in character.

Applicant Tom Kirk was born about 1860, to the said Emily Weaver, then a slave. Born in slavery, he should be enrolled and classified as a freedman. He also claims by intermarriage as husband of Susan Kirk, nee Tadpole, a full

blood Cherokee, enrolled in 1880, to whom he was married under a Cherokee license in 1882, but no determination as to his right by reason thereof is considered necessary herein.

Applicants Charlotte Newton, formerly Downing, Lottie Robbins, Peggy Whitmire, and Henry Bushyhead are the children and grandchildren of the said Emily Weaver and are accordingly entitled to enrolment as Cherokee freedmen. They were, however, born in the Cherokee Nation to fathers who were Cherokees by blood, subsequent to the time when Emily Weaver was emancipated. From her alone they are entitled to be classed as Cherokees of the mixed blood. They have always resided in the nation, and, as noted above, all save the youngest, who was born in 1898, were enrolled in 1896 as citizens by blood. I see no "lack of right" to such enrolment or evidence that it was made without "authority of law," and, being prima facie correct, it should stand. See departmental decisions in the James Shirley and Mary Crittenden cases, dated, respectively, June 12 and November 20, 1903.

Charlotte Newton also claims enrolment by reason of intermarriage with J. W. Downing, a Cherokee by blood, to whom she was married in 1886, under the Cherokee law, but it is unnecessary to discuss herein what rights, if any, were acquired thereby.

The fact that certain of the applicants are of illegitimate descent does not effect their right to enrolment as citizens

by blood. That illegitimate children are included in the term "descendants," as used in the enrolment acts, is well settled by the decisions of the Department in the Wamsy Ray and James Shirley cases and by the opinion of my predecessor in the Corbray case, dated June 28, 1902.

Accordingly it is my opinion, concurring in the main with the views of the Indian Office, that Emily Weaver and Thomas Kirk should be enrolled as Cherokee freedmen, and that the other applicants should be enrolled as citizens by blood of the Cherokee Nation; also that the decision of the Department of November 20, 1903, in the Mary Crittenden case should not be disturbed.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: February 18, 1907.

E. A. Hitchcock,
Secretary.

Cherokee 10998.

Muskogee, Indian Territory, June 11, 1907.

Charlotte Newton,

Westville, Indian Territory.

Dear Madam:

You are advised that the motion of the Attorney for the Cherokee Nation to review and reverse Departmental decision in the matter of your application for enrollment as a Cherokee citizen was denied by the Department on May 17, 1907.

Respectfully,

S.W. Commissioner.

Cherokee F
1853 et al.

Muskogee, Indian Territory, June 11, 1907.

I. P. Biddle,

Attorney for Emily Weaver, et al.,

Westville, Indian Territory.

Dear Sir:

You are advised that the motion of the Attorney for the Cherokee Nation to review and reverse Departmental decision of February 18, 1907, in the matter of the application for the enrollment of Emily Weaver, et al., as Cherokee freedmen was denied by the Department on May 17, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

Encl.WS.
S.W.

Commissioner.

Cherokee 'F
1583 et al.

Muskogee, Indian Territory, June 11, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are advised that your motion to review and reverse Departmental decision of February 18, 1907, in the matter of the application for the enrollment of Emily Weaver, et al., as Cherokee freedmen was denied by the Department on May 17, 1907.

For your information there is enclosed copy of Departmental decision referred to.

Respectfully,

Encl.W-6.
E.W.

Commissioner.

D.C.36833-1907.

DEPARTMENT OF THE INTERIOR, GAW

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

E.F.
47947-1907.

June 5, 1907.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Ind. Ter.

Sir:

On May 17, 1907, the Department denied motion of the Attorney for the Cherokee Nation to review and reverse Departmental decision of February 18, 1907, in the matter of the application of Emily Weaver, et al, for enrollment as citizens of the Cherokee Nation. You are requested to advise the interested parties of the Department's action.

Very respectfully,

(Signed) E. F. Larrabee,

Acting Commissioner.

GAW-GW.

M 348
D 401

Emily Meade

Sold

for Depd. Return

in Mass. Railroads

Mems. Int 8

IN THE MATTER OF THE APPLICATIO

ENROLLMENT

CHEROKEE CITIZENS.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
OCT 8 1901

COPY OF TESTIMONY FILED
WITH APPLICATION.

72318 Indian 1901

No. 218

Department of the Interior,

Commission to the Five Civilized Tribes.

MEMORANDUM.

In the Matter of the

Application for Enrollment of

Department of the Interior,
RECEIVED
DEC 30 1901
Enc. No. (N.B.) 5249
Indian Territory Division.

As citizen of the Nation.

Refused by Commission under the Act of Congress of May 31, 1900. Act of 1902

Returned with Notice of Appeal to Indian Ter. Div.

Muskogee, I. T., 190

Respectfully forwarded to the Secretary of the Interior for review

Acting Chairman.

Cher 10999 Joseph Reed

Granted by Supt Mar. 1, 1907
cancelled and record trans to Ills 229
Trans from D-468

Cher 10999

Cher 11000

John W. Lawrence

Trans. from D1628

Cher 11000

Cher D 2843

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of JAMES BOBBETT, et al., for enrollment as citizens of the Cherokee Nation.

JAMES STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A James Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Tiftmore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

George B. Lawrence #235 Delaware District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

I, C. Bagwell, on oath state that I am stenographer to the Commission to the Five Civilized Tribes, I am familiar with the testimony and proceedings had in the above entitled matter, that the foregoing is an accurate transcript of my notes taken thereof.

C. Bagwell.

Subscribed and sworn to before me this December 8, 1902.

Simon P. Wallingford

CD 1628

FILED
JUN 1 1906
COMMISSION TO FIVE TRIBES.

C.D. 1628.

Vinita, Indian Territory, May 25, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application made for the enrollment of John W. Lawrence as a citizen of the Cherokee Nation of Shawnee blood.

Emma Renfrow being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Emma Renfrow.
Q What is your post office, Mrs. Renfrow? A Afton, I. T.
Q Are you a citizen by blood of the Cherokee Nation? A No, Shawnee.
Q Have you been finally enrolled as such citizen? A Yes, sir.
Q How long have you lived in Delaware District? A About 34 years
Q Did you once know a man in Delaware District by the name of John W. Lawrence? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Of what blood? A Shawnee.
Q Did you know the name of his father? A No.
Q Did you know the name of his mother? A No, sir
Q How old would this John W. Lawrence be at present if living?
A About 70 years old.
Q Was he living in Delaware District when the 1896 Cherokee Census Roll was made?
A Well, I do not know that.
Q When was the last time you saw this John W. Lawrence?
A About four years ago.
Q Where was that? A At the White Oak Hills at the Indian dance.
Q Do you know the name of his wife? A No, sir.
Q Is this John W. Lawrence living or dead? A No, he is dead.
Q How long has he been dead?
A Pretty near four years?
Q Did he die soon after you saw him at the Stomp Dance? A Yes.
Q Were you personally acquainted with this John W. Lawrence?
A Yes, sir.
Q He has been dead at least three or four years, has he?
A Yes, sir.
Q Do you know what has become of this wife?
A No, sir.

John W. Lawrence is identified on the 1896 Cherokee Census Roll, Delaware District, as an adopted Shawnee, and is listed from information on Cherokee D 1628.

W. P. Covington, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, he reported proceedings had in the above and foregoing case on the 25th day of May 1906, and that the above and foregoing is a full and correct transcript of his said stenographic notes taken in said case.

W. P. Covington

Subscribed and sworn to before me, this June 17 1906.

Fred P. Barnum

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., DECEMBER 7, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JOHN W. LAWRENCE ET AL., as citizens by blood of the Cherokee Nation.

APPEARANCES:
For Cherokee Nation, J. S. Davenport representing W. W. Hastings

ELIZABETH NOBLES, being first duly sworn, testified as follows on behalf of the applicants:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Elizabeth Nobles.
Q Your age? A 27.
Q What is your post office? A Bina, Kansas.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir, I am a Shawnee, not Cherokee.
Q You desire to give some testimony in regard to the application for the enrollment of John W. Lawrence? A Yes sir, that is what he requested me to do.
Q Is his wife named Elizabeth Lawrence? A Yes sir.
Q Do you know whether she is living at the present time? A Yes sir I received a letter from her not long ago.
Q Is John W. Lawrence living? A Yes sir.
Q Have they a child, a son? A Yes sir.
Q What is his name? A George Him we always called him. Whether George is the first or the other.
Q About how old is he now? A I couldn't say, he is up in 20 something.
Q Do you know whether he is married? A Not that I know of.
Q Are you related to this family? A No sir.
Q Do you know when John W. Lawrence first came to the Cherokee Nation? A Well it was in the year when the Shawnees first came to this country.
Q When they came from Kansas? A Yes sir.
Q That was in 1870 or 1871? A Yes sir, it was in 1871 they enrolled near Vinita in May I believe, I don't know just what date.
Q What year, 1870 or 1871? A Yes.
Q Were you also a member of the Shawnee Tribe that came to the Cherokee nation then? A Yes sir.
Q Do you know how long John W. Lawrence continued to live in the Cherokee nation after that time? A Well I couldn't say just how long, he lived here until he went to California, that has been 8 years ago, he lived in Chetopa awhile before he moved to California but I don't know just how long he lived there.
Q Outside of his residence in Chetopa, Kansas, has he ever lived outside of the Cherokee Nation from the time he came here until he left about 8 years ago? A Only in the Choctaw Nation, he lived there two or three years.
Q Was that after he went to Chetopa? A No before he went there.
Q Do you have any idea about what year it was he went to the Choctaw Nation? A It was somewhere in 1880's.
Q 1880 or the '88's? A In the '80's.
Q Do you know how long he stayed down there? A I don't know just how long, something over two or three years, I couldn't say for certain.

Q And then did he return to the Cherokee nation? A I think he moved to Chetopa. He has moved back and forth in the nation and in the State there.
Q Do you know about how long, can you approximate the length of time he lived in Chetopa? A No sir, I wouldn't say that, I don't know.
Q But he lived in Chetopa awhile before he left the Cherokee nation entirely? A Yes sir, he lived in Chetopa before he left and went to California, he went from Chetopa to California.
Q What is his present post office? A Los Angeles.
Q Do you know whether he gets his mail at Long Beach, California?
A He wrote to me from Long Beach.
Q Is he in the Soldier's home? A Yes sir, that is where he had me to direct the letter.
Q Do you know whether he owned or controlled any property in the Cherokee Nation during the time he lived there in the nation?
A No sir, I don't.
Q You don't know whether he had any property at all? A No sir.
Q Do you know whether he has owned or controlled any property in the Nation while he has lived in California? A No sir.
Q About how old a man is he? A 74 I think.
Q Is he very infirm? A Yes sir.
Q Do you think he could be able to make a trip to the nation? A I have the doctor's certificate that he is not able to.
Q I have an affidavit received from Mrs. Elizabeth Lawrence as to the birth on September 5, 1882, of ElmerLawrence, child of herself and John W. Lawrence, is that the child you have mentioned in your testimony? A Yes, that is the one.
Q Have they only one child? A She had two of her own, but that is all the children that I know.
Q Do you know whether the child Elmer is living at the present time? A Yes sir, the last I heard of him.
Q Where abouts? A Redland, California, but the last letter I got from Mr. Lawrence he said Elmer was with him, that if I wanted to write to him to address it to him.
Q Did Mr. Lawrence give you Power of Atterney to represent him in the matter of his citizenship? A Yes sir.
Q Have you the Power of Atterney with you? A Yes sir.

There is offered in evidence a certificate signed by M. W. Hill, a practicing physician stating that he is personally acquainted with John W. Lawrence and has been for the past 5 years and that on account of his physical condition, he is not in condition to make a trip or journey by rail. This certificate will be filed.

Q Do you know whether George H. Lawrence has owned or controlled any property in the Cherokee nation? A No sir, not that I know of.
Q Didn't any of them have any improvements in the Cherokee nation that you know of? A No sir.
Q Can you fix the date according to your best judgment as to when John W. Lawrence left the Cherokee nation and went to California? A I couldn't say just when he left, I just judge it has been about five years ago, he lived about 18 miles from Chetopa.
Q Do you know why he went to California? A On account of his health.
Q How long had it been prior to his departure before you had seen him? A About three years, I think.

Q About how old is his wife, do you think? A 47.
Q Do you know her physical condition? A She didn't say anything about it the last time I saw her, she wasn't a very strong woman her health wasn't so very good but she was able to do her own work.

W I T N E S S E X C U S E D.

This cause was here continued by agreement until December 21, 1905, at nine o'clock A. M.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 20th day of December, 1905.

Hy Foreman White.

Notary Public.

Cherokee D 1628 and 2843.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MAY 21, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JOHN W. LAWRENCE, ET AL., as citizens by blood of the Cherokee Nation.

APPEARANCES:
For Applicants, no Appearance.
For Cherokee Nation, J. S. Davenport for W. W. Hastings.

J. J. MILLS, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A J. J. Mills.
Q How old are you? A 48.
Q What is your post office? A Welch.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir, I am a Shawnee.
Q Do you know an old gentleman by the name of John W. Lawrence?
A Yes sir, I knew a John W. Lawrence.
Q Was he a married man? A Yes sir.
Q Do you know the name of his wife? A No sir, I don't.
Q Was she a citizen or white woman? A I understand she was a white woman.
Q Did he have some children? A Had one.
Q Boy or girl? A Boy.
Q Do you know its name? A I don't remember the name, they called him when I knew him, I think it was a nick name, it was Jim or something like that.
Q Is John W. Lawrence an Indian? A No sir, a white man.
Q John W. Lawrence is a white man? A Yes sir.
Q Did you come to the Cherokee Nation with the Shawnees at the time they removed from Kansas? A Yes sir.
Q That was in 1872? A Yes sir.
Q Did John W. Lawrence come at that time? A About that I know
Q Was he a member of the Shawnee Tribe of Indians that was adopted into the Cherokee Tribe? A That has been my understanding.
Q Was he recognized as a citizen of the Cherokee Tribe? A Yes sir.
Q Did you know him in Kansas? A No sir.
Q Is it your information that his name appears on the Shawnee Register? A That has been my understanding.
Q After he came here how long did he continue to live in the Cherokee nation? A Why I can't say how long.
Q Do you know where he went when he first left the Cherokee nation? A My understanding is to the Choctaw country.
Q Do you know whether he went out of the Indian Territory? A No sir, I don't.
Q Do you know how long he was gone from the Cherokee nation the first time? A I'd hor think maybe 4 or 5 years.
Q Did he have his family with him? A Yes sir.
Q Do you think about how long ago that was? A Lets see, I couldn't say exactly, I think he came back up in that neighborhood in the 90's sometime.

Q Then did he return to the Cherokee nation? A Yes sir.
Q That would have been along about 1894 or '95? A They came back sooner than that.
Q You are not sure as to the date? A No sir, but I am satisfied he was back before that.
Q Then how long did he reside in the Cherokee nation when he returned? A Up until about 1896.
Q Then where did he go? A To California.
Q Has he resided there continuously since that time? A That has been my understanding.
Q Do you know what his post office is? A Longbeach.
Q Is he in the Old Soldiers Home? A I don't know about that.
Q Do you think it was as early as 1896 he left and went to California? A Well now I believe it was, it was right after the Shawnees got the Strip payment and that was in 1896, it was after that. He drew his strip money.
Q He went away soon after that? A Yes sir, I don't know how long maybe two or three months, might have been a little longer, wasn't anything like a year anyway.
Q He has been in California since that time? A Yes sir.
Q When he left did he own any property in the Cherokee nation?
A Not that I know of.
Q During his residence in California has he had any property in the Cherokee nation? A No sir, I don't know as he has.
Q He has had no effects of any kind? A Not to my knowing.

W I T N E S S E X C U S E D .

This case is closed.

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 5th day of June, 1906.

Chas. E. Webster

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. June 25, 1906.

Cherokee D 1628
" " 2843

In the matter of the application for the enrollment of John W. Lawrence et al., and George E. Lawrence, as citizens of the Cherokee Nation.

Applicant John W. Lawrence, appears in person, Cherokee Nation by Attorney, W. W. Hastings.

JOHN W. LAWRENCE, being first duly sworn, testifies as follows:

Q. What is your name? A John W. Lawrence
Q. Your age? A. Seventy-five.
Q. Your postoffice? A. It has been Longbeach; I will stay here intil I get this settled.
Q. Long Beach California? A. Yes sir; California.
Q. Are you married? A. Yes sir.
Q. What is your wife's name? A. Elizabeth
Q. Is she living? A. Yes sir.
Q. Is your wife a white woman? A. Yes sir.
Q. Have you any children? A. I have one son.
Q. What is his full name? A. George E. Lawrence.
Q. About what is his age? A. His age-he will be twenty-four the fifth day of september; He is 23 years old.
Q. Are you an Indian by blood? A. Well, there is Indian blood in me, but it is not connected with this case at all.
Q. Were you married before you married your present wife?
A. Yes sir
Q. What was the name of your first wife? A. Mary Boon.
Q. Is she living? A. No she is dead.
Q. When did she die? A. In 1875.
Q. Was she an Indian by blood? A. Yes sir, she was Indian by blood.
Q. Of what tribe? A. Shawnee.
Q. Did she come with the shawnees from the state of Kansas when they were adopted in the Cherokee Nation? A. Yes sir.
Q. Were you and she married at that time? A. Yes sir.
Q. Did you come to the Cherokee Nation together? A. Yes sir. We did.
Q. Was that in 1871? A. Yes sir.
Q. Did you and she live together until she died? A. Yes sir, we did.
Q. In the Cherokee nation? A. In the Cherokee nation.
Q. Where have you lived since her death? A. I have lived a good deal of the time on the old place here, where we came to, up on Russell Creek; my family has always lived there, I lived there a good deal of the time. I lived here while my boy was born here in this town.
Q. Is Russell Creek in the Cherokee nation? A. Yes sir.
Q. When was the first time you were out of the Indian Territory after coming to the Cherokee nation with your wife?

Q. Well, I could not hardly tell—I would go out sometimes——
A. I mean to take your family and go out to stay any length of time? A. While I was living with that woman I never did go out.
Q. Well, since that time? A. Well, let's see—I can't recollect the exact time; I went up to Chetopa several times to school my boy but I would not want tos state just what time.
Q. Did you just stay in Chetopa during the school year? A. Yes sir.
Q. Then did you come back to the Cherokee Nation? [illegible]
Q. While you were in Chetopa for the purpose of sending your boy to school did you have any property in the Cherokee Nation.
A. No, only—well I had a coal bank there when he was going to school, that I run there in the winter time.
Q. When did you first leave the Cherokee Nation for any length of time? A. Well, for any length of time, the first time was on the 19th of January, 1897.
Q Was that when you first went to California? A. Yes sir.
Q. Have you resided in California continuously since that time?
A. No, I have not; I came back here and stayed quite a while, it was about four or five months, and I found I could not stay here in the condition I was in, and went back. That was after I had been there two years, in 1899. I went there in 1897 and came back in two years, and the doctor told me I had better go back.
Q. You stayed here about five months and then returned to California? A. Yes sir.
Q. And have been there ever since? A. Yes sir, have been there ever since.
Q. When you left the Cherokee Nation in January, 1897 did you leave any property of any kind in the Territory—Cherokee Nation?
A I had property at that time, but I sold them. I had to have money to go away on, and I sold it.
Q. You left no property?.-In the Cherokee Nation?
A. Only my interest in my old home place up on Russell Creek; There was where we had always done our farming; I bought this other place down here which I sold, but I never lived on it. I was never able to live there and farm it.
Q. When you were back in the Cherokee Nation in 1899 did you own any property in the Cherokee Nation? A. Only my interest in the Russell Creek place, I had my interest in it.
Q. Did you go to California first on the recommendation of a doctor? A. Yes sir; and the second time, both on the recommendation of the same doctor. I had his affidavit, but I sent them to the Territory here and lost them.
Q What was the doctor's name A. Boon, George D. Boon, of Chetopa, he is dead now.
Q. Has your son owned any property in the Cherokee Nation while he has been out? A. No he was small when we were here; a minor.
Q. Has his residence been the same as yours since 1897
A Just the same exactly. When I came back here that time he came with me and went back with me. He is there now.
Q. Has he ever owned any property of his own in the Cherokee Nation? A. No sir.
Q Has your wife owned any property in the Cherokee Nation?
A. No sir.

Q. Do you and your wife live together now? A. No.
Q. Have you been divorced? A. No.
Q. What is her posteffice? A. Redlands. 19 Stillman Avenue, Redlands, California.
Q. Are you and she separated: A. Yes sir, we are separated; will never live together again.
Q When did you separate? A. We separated about seven years ago six years ago the first day of last April.
~~[illegible]~~ she went with me . I was in that kind of a condition at that time that I could not have gone alo ne.
Q. You and she separated about 1899? A. Yes sir, in 1899
Q. Has she been living in California since that time? A. Yes sir.
Q. She has had no property in the Cherokee Nation since that time?
A. No sir.
Q. You say your son is not married? A. No sir.
Q Have you ever voted in California? A. No sir.
Q Has your son? A. No sir.
Q. Do you own any property in California? A. No sir, No, I was just there for my health; that was all I went for.
Q. Has your son owned any property there? A. No sir

By Mr. Hastings:

Q. What became of your Russell Creek farm? A. My brother-in-law took part of it; I don't know what is the name of the man that took the other part; I calculated to take that myself, we had all owned it together; all farmed it. This place down here I sold it back. Wasn't able to farm it.
Q. Well, did you give it back? A. Yes sir.
Q. Then you have owned nothing after you went to California?
A. Only my interest in that place there?
Q. But they took that place back, you said? A. That was the place I bought they took back; I couldn't pay for it and they taken it back.
Q. That was when you went to California they took the place back , and you owned no property here? A No sir.

Lucy M. Bowman being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly reported the proceedings had in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of her stenographic notes therein.

Lucy M. Bowman

Subscribed and sworn to before me this 28th day of June, 1904.

Chas E. Webster
Notary Public

678

Cherokee D 1628
D 2843

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John W. and George E. Lawrence as citizens by blood of the Cherokee Nation, consolidating the applications for the enrollment of;

John W. Lawrence.....Cherokee D 1628
George E. Lawrence.....Cherokee D 2843.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That applications for the enrollment of John W., George E., and Elizabeth Lawrence as citizens of the Cherokee Nation were made to the Commission to the Five Civilized Tribes by Emmett Starr at Muskogee, Indian Territory, June 30, 1902. Further proceedings in the matter of said applications were had at Vinita, and Muskogee, Indian Territory, on May 25 and December 7, 1905, respectively, and at Muskogee, Indian Territory, on May 31, and June 25, 1906. As the applicant, Elizabeth Lawrence, has been classified differently from the others included in the foregoing applications, her rights to Cherokee citizenship will not be considered in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, John W. Lawrence, was born about the year 1831, and is one of those persons who, as members of the Shawnee tribe of Indians, elected to avail themselves of the provisions of the Agreement entered into by and between the "Shawnees and Cherokees, concluded June 7, 1869", and "approved by the President June 9, 1869", his name appearing on the Shawnee Register, opposite No.473; that subsequent to his removal to the Cherokee Nation, and up to and including September 1, 1902, the said John W. Lawrence has, except as below noted, continuously lived, and owned and controlled property therein; and that his name appears on the [illegible] Cherokee census roll of 1896, Delaware District, opposite Nos.1598 and 834, respectively. It further appears that at some time during the eighties, said applicant, with his family, resided for awhile in the Choctaw Nation; that later, for the purpose of educating his

child, he, with his family, resided, during the school season for several years at Chetopa, Kansas; and that thereafter he, with his family, returned to their home in the Cherokee Nation, where they continuously lived until January, 1897, when, for the purpose of raising money to defray the necessary expense incident to a trip in quest of health, said applicant disposed of his property in said Nation, and, on the advice of his physician, removed, with his family, to the State of California, remaining there until some time during the year 1899, when he returned to the Cherokee Country, but after a residence therein of four or five months, was obliged, by reason of failing health, to again remove to California; and that since his first removal to said State said applicant has neither owned any property therein, nor exercised the political rights of a citizen thereof, and during a portion of the time at least since said removal, has been an inmate of the Old Soldiers' Home, at Long Beach, California.

The evidence further shows that the applicant, George E. Lawrence is a son of the said John W. Lawrence; that he was born in the Cherokee Nation September 5, 1882, and continued to reside therein until the year 1897, when he left the Cherokee Nation, and has never since returned thereto for the purpose of making it his home, and that during his absence therefrom he has never owned or controlled any property therein.

In view of the foregoing, it is considered that the absence of John W. Lawrence from the Cherokee Nation has not been of such a nature as would forfeit his rights to Cherokee citizenship; but it is considered that the application for the enrollment of George E. Lawrence as a citizen of the Cherokee Nation comes within the rulings of the Department in the cases of Mary Strickland et al. (I.T.D.18260-05), Maud England (I.T.D.10726,18214-05), Hubert Henry (I.T.D.18218-1905), and Nellie Walker Litton (I.T.D.15258,18212-1905); and that he is not entitled to enrollment as a citizen of the Cherokee Nation, under the provisions of paragraph 9, of section twenty-one, of the Act of Congress approved June 28, 1898 (30 Stat.,495), which in part provides that, "no person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of section twenty-one, of the Act of Congress approved June 28, 1898 (30 Stat.,495), John W. Lawrence is entitled to enrollment as a citizen of the Cherokee Nation, and his application for enrollment as such is accordingly granted; and that George E. Lawrence is not entitled to enrollment as a citizen of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this JAN 7 1907

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John W. and George E. Lawrence as citizens by blood of the Cherokee Nation, Cherokee D 1628 and Cherokee D 2843.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against that much of the decision rendered in the above consolidated case on January 7, 1907, by the Commissioner to the Five Civilized Tribes as adjudges that the said John W. Lawrence is entitled to be enrolled as a citizen of the Cherokee Nation and asks that the same be forwarded to the Secretary of the Interior for review. The testimony taken in this case on June 25, 1906, shows that John W. Lawrence, who testified, gave his age as 75, and his residence as Long Beach, California, that he left the Cherokee Nation in 1897, and had continuously resided in California since that time. His statement further shows that he sold his farm and improvements in 1897 prior to his leaving the Cherokee Nation and that subsequent to that time has owned no property of any kind or character in the Cherokee Nation. It is true that the testimony shows that he was back in the Cherokee Nation in 1899 for a few months, but since that time returned back to California, where he was residing in 1906, when he gave his testimony.

We submit that the applicant is not entitled for two reasons:

First. That he forfeited his right to be enrolled by removing out of the Cherokee Nation with his effects under Article 1, Section 2 of the Cherokee constitution.

Second. He is not entitled under Section 21 of the Curtis Bill approved June 28, 1898, which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

We submit that the applicant removed with his effects out of the

Cherokee Nation in 1897 and has not since held any property or retained his citizenship in the Cherokee nation, and we further submit that under the Curtis Bill hereinabove quoted, he not being a resident here at the date of its passage, namely upon June 28, 1898, under that, he is not entitled to be enrolled.

It is contended that he left the Cherokee Nation for his health. We submit that this is contradicted by the fact that he is now in a soldiers' home, that his wife went with him and is living in a different part of the State, and that his son, George E. Lawrence, went with him and is now an adult and all are residents of the State of California, and it is not shown that any of them are residing with the applicant, John W. Lawrence, and that he is not in their care and keeping, and therefore we contend that the purpose of his trip to California was to live there.

Respectfully submitted,

Signed W. W. Hastings
Attorney for the Cherokee Nation.

Dated at Muskogee this January 14, 1907.

(C O P Y)

Long Beach Cal. March 9th , 1905

Mr. E. A. Hitchcock,

Secretary of the Interior.

Washington, D.C.

Dear Sir:

I write in regard to a man by the name of John W. Lawrence who is here in California. He is a citizen of the Cherokee Nation. He is about 80 years old & came here about 6 years ago on account of bad health. He has been unable to go back to the Territory since on account of his bad health &c. I have written all his letters since he has been here & during 1901-1902 & 1903 I wrote some 8 or 10 letters to the Dawes Commission in regard to his case and tried to find out what could be done in his case? I wrote them the facts as he stated them to me & tried to find out is he could not be represented there by an agent or as Attorney as he was sick & crippled at the Soldiers Home & unable to come. He is a white man. Married a Shawnee woman March 14, 1871 & was adopted into the Shawnee tribe April 1871. Went into the Cherokee Nation with the Shawnees June 20, 1871. His Shawnee wife died in 1877. He has lived in the Indian Territory most of the time since up to 6 years ago. He had drawn all payments from June 1871 up to January 1897. He was last inrolled in 1896.

He had a little home in the Cherokee Nation & sold it when he came to California. What he wants to know is there any way he can get his rights in the Cherokee Nation without coming there in person. The Dawes Commission wrote me he would have to come there if he ever got any hearing. I dont think he will ever be able to go.

What can be done in his case. We hope to hear from you soon in the matter.

Respectfully,

J. W. Lawrence
by H. W. Duncan.

218 E. 2nd. St.

Long Beach, Cal.

DEPARTMENT OF THE INTERIOR, FHE.
WASHINGTON.

I.T.D. 2555-1905. March 18, 1905.

L N

John W. Lawrence,
215 East 2nd Street,
Long Beach, California.

Sir:

Replying to your letter of the 9th instant, relative to your rights in the Cherokee Nation, you are advised that your communication has been referred to the Commission to the Five Civilized Tribes for report.

Respectfully,

Acting Chief Clerk.

Vinita, Indian Territory, May 28, 1906.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:-

Since our last report we have taken testimony in the following cases:

Cherokee D 1611

The evidence taken in the matter of this application shows that the only person known by this name is more commonly known by the name of Jackson Ribbon, and under this name may be on the final roll.

Cherokee D 1651.

The evidence taken in the matter of this application shows the intermarried status of the applicant.

Cherokee D 1626.

The evidence taken in the matter of this application shows that the applicant died prior to September 1, 1902.

Cherokee D 1587.

The evidence taken in the matter of this application shows that the applicant died prior to September 1, 1902.

Cherokee D 1510.

The evidence taken in this case shows that this card is a duplicate.

Respectfully,

(Signed) Fred E. Rogers.

Muskogee, Indian Territory, July 11, 1906.

John W. Lawrence,

Long Beach, California.

Dear Sir:

This office is in receipt of your letter of June 18, 1906, with reference to your rights as a Cherokee of Shawnee blood.

In reply thereto you are advised that Emmett C. Starr on July 1, 1902, applied for the enrollment of John W. Lawrence and Elizabeth Lawrence, his wife, they having been listed as being upon the 1896 Cherokee Census Roll, Delaware District. The age of John W. Lawrence at that time is given as 67 years.

You are advised that if you are the John W. Lawrence so listed for enrollment, that the rules of this office require the personal appearance of the applicant to testify as to their rights. If you are unable, through sickness, to appear before the Commissioner in person at his office in Muskogee, Indian Territory, you will be permitted to present the testimony of disinterested persons who may know of their own personal knowledge concerning your rights as a citizen, as well as your residence. Such witnesses should appear in person at this office as early as practicable. If, after such testimony has been introduced, further evidence be required, you will then be notified thereof.

Respectfully,

Commissioner.

Cherokee D-1628.

Muskogee, Indian Territory, November 13, 1905.

John W. Lawrence,
Care of National Soldiers Home,
Long Beach, California.

Dear Sir:

This office is in receipt of a letter from H. W. Duncan of Long Beach, California, requesting that you be advised as to what action has been taken in the matter of the application for your enrollment as a citizen of the Cherokee Nation. He also requests that you be advised the citizenship status of your son, Elmer Lawrence, and as to what has been done by Elizabeth Noble, to whom it appears you gave power of attorney to represent you in the matter of your claim for citizenship and allotment of land in the Cherokee Nation. He further requests that you be advised as to what will be necessary in order to perfect the enrollment of yourself and child, and to secure allotments of land.

In reply you are advised that as yet no action has been taken in the matter of the application for your enrollment as a citizen of the Cherokee Nation. On June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of, among others, yourself as a citizen by blood, and your wife, Elizabeth Lawrence, as a citizen by intermarriage, of the Cherokee Nation, together with your

families and descendants. The records fail to show that any application has ever been made for the enrollment of your son, Elmer Lawrence, as a citizen of the Cherokee Nation, and before the application for his enrollment can be considered, it will be necessary that this office be furnished evidence as to his birth. There is inclosed herewith a blank form of birth affidavit which you are requested to have properly executed, showing the exact date of the birth of your child, and return same to this office for consideration.

Before your right to enrollment can be finally determined it will be necessary that this office be furnished further evidence as to your residence in the Cherokee Nation, and the property interests maintained therein by you during your absence. It is noted that Mr. Duncan states in his letter that you are very feeble and unable to travel, and you are requested to advise this office, in the event it is impracticable for you to appear in person, of any witnesses who know the facts in connection with your residence and property interests in the Cherokee Nation, and whose testimony can be secured in your behalf. As this matter is important, you are directed to give it your immediate attention.

You are further advised that this office does not receive applications for the selections of allotments of land for applicants for enrollment as citizens of the Cherokee Nation until

their names have been placed upon a schedule of citizens of the Cherokee nation and approved by the Secretary of the Interior.

Respectfully,

LS
Incl. 1 RA

Commissioner.

Soldiers Home

Los Angeles Co. Cal.

Nov. 23rd 1905.

Mr. Tams Bixby

Muskogee, Ind. Ter.

Dear Sir:

Your letter with blank affidavits just came to me & I hasten to answer. I am glad we have gotten the claims started all right & hope to get the affidavits all filled out & started back in a few days. Enclosed you will find a list of names and you can call on any or all of them as Rifference in the case of Elmer Lawrence. In case you should need more Refferences Callon Thompson Chetopa, Kansas Brown or Mrs. Eizzabith Noble, Edna - Kansas.

And if I can do anything more in either of the cases let me hear from you.

I am at the Home & in poor health and not able to travel or would be glad to come back there and see to it all. Hoping to hear from you soon and all the news about our enrollment & citizenship rights will close.

Respectfully,

John W. Lawrence

by H.W. Duncan

Box 37, Soldiers Home Los Angeles Co. Cal.

National Soldiers Home
Los Angeles Co - Cal

Nov 23 - 1905

Refferences in the Citizenship of Elmer Lawrence.

Thompson Brown,
Chetopa, Kansas.

Jackson Mills and Brothers of Chetopa Kansas.

Mrs. Elizabeth Noble
Edna, Kansas.

Mr. James Guthrie,
Chetopa, Kansas.

Mr & Mrs Wayne Drake
Edna, Kansas.

Cherokee D-1628-
2843.

COPY.

Muskogee, Indian Territory, November 27, 1905.

Lizzie Nobles,

Edna, Kansas.

Dear Madame:

This office is in receipt of your letter of November 21, stating that you have a power of attorney to select allotments of land in the Cherokee Nation for John W., Lizzie and Elmer Lawrence, whose names are on the 1896 Cherokee census roll, and asking to be advised if you "can do that enrolling after December 1, 1905". You state that they are not able to come to the Cherokee Nation for the purpose of selecting allotments and to attend to their citizenship matters.

In reply, you are advised that the records of this office show that one John W. Lawrence and George E. Lawrence are applicants before this office for enrollment as citizens by blood of the Cherokee Nation, and that Elizabeth Lawrence is an applicant for enrollment as a citizen by intermarriage of said Nation, and that their names have been placed upon a Cherokee doubtful card. Further testimony is required as to the right to enrollment as citizens of the Cherokee Nation of these parties, and as to their residence in the Cherokee Nation, and until such evidence is introduced no action will be taken looking to the final determination of their right to enrollment.

You are desired to appear before the offices of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, for the purpose of giving testimony as above indicated, and you will, on December 7, 1905, at nine o'clock A. M., be given an opportunity to introduce such testimony.

You are further advised that under the rules of this office, no person is permitted to apply for land as his allotment in the Cherokee Nation until his name is included in a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

(SIGNED)

Geo. D. Rodgers

Acting Commissioner.

LS

Cherokee D-1628.

Muskogee, Indian Territory, February 23, 1906.

John W. Lawrence,

Long Beach, California.

Dear Sir:

This office is in receipt of affidavits signed by you and Frank C. Brandon as toyyour citizenship status in the Cherokee Nation, which you desire filed in connection with your Cherokee enrollment case. It is stated in the affidavit signed by you, that "my physician's certificate as to my physical condition is hereto attached."

In reply you are advised that the physician's certificate referred to was not attached to the affidavits received, and you are requested to forward same to this office by return mail.

The contents of your letter, dated February 12, with reference to your case have been noted and your letter filed.

Respectfully,

LS

Acting Commissioner.

State of Cal.
Los angeles County

Long Beach California Feb 27 1906

To all whom it may concern

This is to certify that J. W. Lawrence Physical condition is such that he is not able to travail without endangering his health & life

Dr Sett & Fell
Attending Physician

Subscribed and Sworn to before me this 27th day of Feb. 1906

Geow Rosenby
Notary Public
in and for Los angeles County
Calif

Cherokee D-1628-

D-2843.

Muskogee, Indian Territory, March 23, 1906.

John W. Lawrence,

Long Beach, California.

Dear Sir:

Referring to your letter of February 27, you are requested to advise this office the names and postoffice address of any witnesses residing in Indian Territory who know as to your right to enrollment as a citizen of the Cherokee Nation and whose testimony may be secured in connection with your case. Evidence is desired as to your residence and property interests in the Cherokee Nation.

This matter should receive your immediate attention.

Respectfully,

LS

Acting Commissioner.

(C O P Y)

Soldiers Home, Los Angeles Co. Cal.

Apri 17th, 1906

Mr Tams Bixby,

Muskogee, Ind. Ter.

Dear Sir:

Some time ago I got your letter asking for the names of witnesses. I have delayed writing you, expecting to hear from Mrs. Lizzie Noble of Edna, Kansas. I gave her a Power of Attorney on the 28th Day of last June and also sent her 3 affidavits to be sent to you at once, she has never done anything for me or sent the affidavits to you & I cant get them from her. I think I also sent her the name of the witnesses in my case. I sent her the name of Thompson Brown, Edna Kansas. Frank Brandon, Edna, Kansas. Fredeick, Brandon, Edna, Kans. Jackson Mills, Chetopa, Kans. Also Mrs. Lizzie Noble, Edna, Kansas.

I have been quite poorly at the Soldiers Home or would have sent you this letter some days sooner. I want to hear from you if there is anything else that you need in my case and I shall still try and get them old affidavits & send them to you. Let me hear from you. Good by.

Respectfully,

(Signed) John W. Lawrence
by H. W. Duncan,
Soldiers Home,
Los Angeles Co.
Cal.

Cherokee D-16 28-

2843.

Muskogee, Indian Territory, May 16, 1906.

Jackson Mills,

Chetopa, Kansas.

Dear Sir:

In connection with the application for the enrollment of John W. Lawrence, aged about seventy years, and his child, George Elmer Lawrence, as citizens of the Cherokee Nation, you are advised that before their right to enrollment can be definitely determined it will be necessary that this office secure further evidence as to their residence in the Cherokee Nation. Mr. Lawrence is an inmate of the Old Soldiers' Home, Los Angeles, California, and this office is in receipt of a letter from him stating that you would probably be sufficiently interested to appear before the offices of the Commissioner and give your testimony in his case.

It is of the greatest importance to these applicants that their case be decided at the earliest practicable date, and it is requested that you appear before the offices of the Commissioner, if possible, on Thursday, May 31, 1906, in order that your testimony may be taken in the case.

Respectfully,

LS
Register

Acting Commissioner.

Cherokee D-1628-

2843.

Muskogee, Indian Territory, May 16, 1906.

Frank Brandon,

Edna, Kansas.

Dear Sir:

In connection with the application for the enrollment of John W. Lawrence, aged about seventy years, and his child, George Elmer Lawrence, as citizens of the Cherokee Nation, you are advised that before their right to enrollment can be definitely determined it will be necessary that this office secure further evidence as to their residence in the Cherokee Nation. Mr. Lawrence is an inmate of the Old Soldier's Home, Los Angeles, California, and this office is in receipt of a letter from him stating that you would probably be sufficiently interested to appear before the offices of the Commissioner and give your testimony in his case.

It is of the greatest importance to these applicants that their case be decided at the earliest practicable date, and it is requested that you appear before the offices of the Commissioner, if possible, on Thursday, May 31, 1906, in order that your testimony may be taken in the case.

Respectfully,

LS
Register

Acting Commissioner.

Cherokee D-1608-

2843.

Muskogee, Indian Territory, May 16, 1906.

Frederick Brandon,

Edna, Kansas.

Dear Sir:

In connection with the application for the enrollment of John W. Lawrence, aged about seventy years, and his child, George Elmer Lawrence, as citizens of the Cherokee Nation, you are advised that before their right to enrollment can be definitely determined it will be necessary that this office secure further evidence as to their residence in the Cherokee Nation. Mr. Lawrence is an inmate of the Old Soldier's Home, Los Angeles, California, and this office is in receipt of a letter from him stating that you would probably be sufficiently interested to appear before the offices of the Commissioner and give your testimony in his case.

It is of the greatest importance to these applicants that their case be decided at the earliest practicable date, and it is requested that you appear before the offices of the Commissioner, if possible, on Thursday, May 31, 1906, in order that your testimony may be taken in the case.

Respectfully,

LS
Register

Acting Commissioner.

Cherokee D-1628-
2843.

Muskogee, Indian Territory, May 16, 1906.

Thompson Brown,

Edna, Kansas.

Dear Sir:

In connection with the application of John W. Lawrence, aged about seventy years, and his child, George Elmer Lawrence, as citizens of the Cherokee Nation, you are advised that before their right to enrollment can be definitely determined it will be necessary that this office secure further evidence as to their residence in the Cherokee Nation. Mr. Lawrence is an inmate of the Old Soldier's Home, Los Angeles, California, and this office is in receipt of a letter from him stating that you would probably be sufficiently interested to appear before the offices of the Commissioner and give your testimony in his case.

It is of the greatest importance to these applicants that their case be decided at the earliest practicable date, and it is requested that you appear before the offices of the Commissioner, if possible, on Thursday, May 31, 1906, in order that your testimony may be taken in the case.

Respectfully,

LS
Register

Acting Commissioner.

Muskogee, Indian Territory, May 22, 1906

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of April 23, (I.T.D. 2886-06), stating that on March 18, 1905, there was referred to the Commission to the Five Civilized Tribes, by stamp, for report, a letter dated March 9, 1905, from John W. Lawrence, of Long Beach, California, relative to his inability , on account of ill health, to return to the Territory for a hearing before the Commission, and that a report has not been received, and requesting that same be transmitted, or that Department be advised when it will be transmitted.

In reply you are respectfully advised that the letter of Mr. Lawrence was received by the Commission on March 21, 1905, having been referred by the Department, by stamp, for report, and that the records show no report was made thereon.

The letter referred to was written by H. W. Duncan

and states that Mr. Lawrence is a citizen of the Cherokee Nation and too aged and infirm to return to the Indian Territory; that the writer has written several letters in reference to the case, and asks if the claimant can be represented by an agent or attorney; and that the claimant has participated in the payments of the Cherokee Nation from 1871 to 1897, and "about six years ago" he sold his home in the Cherokee Nation and went to California.

In a general application for enrollment made to the Commission to the Five Civilized Tribes, June 30, 1902, for all persons whose names appear unaccounted for on the rolls of 1880 and 1896, applications were included for the enrollment of John W. Lawrence "an Adopted Shawnee", his wife, Elizabeth Lawrence, an intermarried white, and his son, George N. Lawrence, as citizens of the Cherokee Nation.

The name of John W. Lawrence appears upon the 1880 and 1896 Cherokee tribal rolls, and the names of his wife and son appear upon the 1896 roll. A note opposite the enrollment of John W. Lawrence on the 1880 roll reads: "Has been in California fifteen years". The Commission and this office have corresponded with Mr. Lawrence regularly for a period of more than two years, and with various

other persons, endeavoring to secure sufficient evidence to correctly determine the right of the applicant to enrollment as a citizen of the Cherokee Nation. As the record now stands it seems to show that the applicants have forfeited their citizenship by expatriation, but as the record shows that the father and husband is very aged and too infirm to appear in person to assert his rights, all possible steps have been and are now being taken in order that the case may be fully investigated to arrive at a correct conclusion as to their rights to enrollment. Mr. Lawrence has several times, at the request of this office and the Commission, advised persons whose testimony could probably be secured and who know of the facts in the case. The testimony of a few of the persons advised by him has been secured. On April 17, 1906, at the request of this office, Mr. Lawrence advised certain additional witnesses who can probably be secured, each of whom has been requested to appear before the offices of the Commissioner, if practicable, on Thursday, May 31, 1906, and give his testimony in the case.

Mr. Lawrence's letter of May 19, 1906, is inclosed herewith.

Respectfully,

Through the

Commissioner of Indian Affairs.

Acting Commissioner

Encl. E-69
IMB

-COPY-

D.C. 22251.

San Francisco, Cal.,
May 31, 06.

Hon. Wm. O. Beall,
Dawes Commission,
~~Muskogee, Ind. Ter.~~

Sir:

Replying to your Register letter File- "Cherokee D. 1628-2843", I would advise that I have just received same, and as this day is the date set in same would ask that if possible the case be called a later date when I will be at home and will be glad to aid Mr. Lawrence as he is deserving of aid and as he informs me he is on all the rolls.

And I know of his residing in the Territory described.

Kindly thanking you on Mr. Lawrence's behalf and for myself in the interest shown I have the honor to subscribe myself,

Yours Resp.

Frank E. Brandon.

Cherokee
D 1688- 2048

Muskogee, Indian Territory, June 7, 1906

Frank E. Brandon,

San Francisco, California.

Dear Sir:

This office is in receipt of your letter of May 31, in reply to its recent communication relative to the Cherokee enrollment case of John W. Lawrence, et al. You request that a continuance be granted in the case in order that you may appear before this office for the purpose of giving your testimony in connection therewith.

In reply you are advised that your request will be granted and you will be given an opportunity to appear before the offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Thursday, June 28, 1906, for the purpose of offering your testimony in this case.

Respectfully,

LMB

Commissioner

Cherokee
D 1626 2845

Muskogee, Indian Territory, June 7, 1906

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee enrollment case of John W. Lawrence, et al., you are advised that this office is in receipt of a letter from Frank E. Brandon, San Francisco, California, dated May 31, 1906, stating that he has just received this office's recent communication requesting that he appear before the office and give his testimony in connection with said case.

Mr. Brandon requests that the case be continued in order that he may be given time to appear before the offices of the Commissioner, and he has this day been advised that he will be given such an opportunity on Thursday, June 28, 1906. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in this case.

Respectfully,

RCS Commissioner

Cherokee
D 1628
D 2045

Muskogee, Indian Territory, June 8, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings taken at Muskogee, Indian Territory, May 21, 1906, in the matter of the application for the enrollment of John W. Lawrence, et al., as citizens by blood of the Cherokee Nation.

Respectfully,

Inc1. CL-8.
CHL.

Commissioner.

Cherokee
D 1496-D 2643

Muskogee, Indian territory, June 8, 1906

Thomas Brown,

Edna, Kansas.

Dear Sir:

This office is in receipt of your letter of May 30, in reply to its communication of the 16,ultimo, requesting that you appear before the offices of the Commissioner on May 31, 1906, and give your testimony in connection with the Cherokee enrollment case of John W. Lawrence, et al. You state that you were unable to appear on that date, but that you will appear at some future date.

In reply you are advised that the hearing in the Cherokee enrollment case of John W. Lawrence et al., has been continued until June 28, 1906, at which time it is requested that if practicable, you appear before the offices of the Commissioner to the five Civilized Tribes in order that your testimony may be taken in this case.

Respectfully,

LMB

Commissioner

Cherokee D 1622
Cherokee D 2643.

Muskogee, Indian Territory, July 3, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the testimony of June 25, 1906, in the matter of the application of John W. Lawrence et al, for enrollment as citizens of the Cherokee Nation.

Respectfully,

Encl. M.A.3-13.

Commissioner.

Cherokee
D-1628.

Muskogee, Indian Territory, January 7, 1907.

John W. Lawrence,

Long Beach, California.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 7, 1907, rejecting the application for the enrollment of your son, George M. Lawrence, and granting the application for the enrollment of yourself as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl.M-40-1/2
JMH

Commissioner.

Cherokee
D-1628 & 2843.

Muskogee, Indian Territory, January 7, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 7, 1907, granting the application for the enrollment of Jown W., and rejecting the application for the enrollment of George E. Lawrence as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl.H-45
JMH

Commissioner.

Muskogee, Indian Territory, January 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of John W. Lawrence, et al., as citizens by blood of the Cherokee Nation, including the decision of the Commissioner, dated January 7, 1907, granting the application for the enrollment of John W. and rejecting the application for the enrollment of George E. Lawrence as citizens of the Cherokee Nation.

Respectfully,

Through the Commissioner of Indian Affairs.

Commissioner.

Encl.E-46
JEM

Muskogee, Indian Territory, January 17, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to this office letter of January 7, 1907, transmitting the record of proceedings had in the matter of the application for the enrollment of John W. Lawrence et al., as citizens by blood of the Cherokee Nation, there is enclosed herewith a protest by the attorney for the Cherokee Nation against the enrollment of John W. Lawrence in whose favor the Commissioner's decision of that date was rendered.

Respectfully,

Commissioner.

CG-17-2

Through the Commissioner of
Indian Affairs.

COPY-COPY

Land
2022-1907.
6859-1 907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of John W. Lawrence et al, as citizens of the Cherokee Nation, including the decision of the Commissioner to the Five Civilized Tribes dated January 7, 1907, granting the application for the enrollment of John W. Lawrence, and rejecting the application for the enrollment of George E. Lawrence as citizens of the Cherokee Nation.

There is also enclosed a protest filed January 14, 1907, by the attorney for the Cherokee Nation against the enrollment of John W. Lawrence as a citizen of the Cherokee Nation.

The record shows that on June 30, 1903, applications were made to the Commission to the Five Civilized Tribes for the enrollment of John W. Lawrence and George E. Lawrence as citizens of the Cherokee Nation.

The evidence shows that John W. Lawrence was born about the year 1838, and as a member of the Shawnee tribe of Indians elected to avail himself of the provisions of the agreement entered into between the "Shawnees and Cherokees,

concluded June 7, 1869", and "approved by the President June 9, 1869", his name appearing on the Shawnee register; that subsequent to his removal to the Cherokee Nation, and up to and including September 1, 1902, John W. Lawrence has, except as herein noted, continuously lived and controlled property in the Cherokee Nation; that his name appears on the authenticated Cherokee tribal roll of 1880, and the Cherokee census roll of 1896, Delaware District.

It further appears that at some time during the eighties, the applicant with his family resided for a while in the Cherokee Nation; that later, forthe purpose of educating his child, he with his family resided during the school season for several years at Chetopa, Kansas, and thereafter he with his family returned to their home in the Cherokee Nation, where they continuously lived until January 1897, when, for the purpose of raising money to defray the necessary expenses incident to a trip in quest of health, the applicant disposed of his property in the Cherokee Nation, and on the advice of his physician removed with his family to the State of California, remaining there until the year 1899, when he returned to the Cherokee Nation. But after a residence therein for four or fivemonths, was obliged by reason of failing health, to again remove to California.

Since hi s first removal to California the applicanthas neither owned any property therein nor exercised the political

rights of a citizen thereof, and during a part of the time has been an inmate of the Old Soldier's Home at Long Beach, California.

The evidence further shows that the applicant, georg E. Lawrence, is the son of John W. Lawrence; that he was born in the Cherokee Nation september 5, 1882, and continued to reside therein until the year 1887, when he left the Cherokee Nation, and has never since returned therete for the purpose of making it his home, and that during his absence therefrom he has never owned or controlled any property therein.

In view of the facts as herein set out, it is considered that the absence of John W. Lawrence from the Cherokee Nation has not been of such a nature as would forfeit his rights to Cherokee citizenship; but it is considered that the application for the enrollment of George E. Lawrence as a citizen of the Cherokee Nation comes within the rulings of the Department in the case of Mary Stirckland et al, (I.T.D.18260-1908), and that he is not entitled to enrollment as a citizen of the Cherokee Nation.

Therefore, by reason of the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat. L., 495), the Office concurs in the decision of Commissioner Mixby enrolling John W. Lawrence as a citizen of the Cherokee Nation.

By reason of the provisions of paragraph 9 of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat. L., 495)

the Office also concurs in the decision of Commissioner Kirby denying the enrollment of George E. Lawrence as a citizen of the Cherokee Nation.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

KMW-Ph.

SPECIAL

D.C.12337

COPY J Y Jr

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.8582-1907. February 28, 1907.
YRS
Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

January 7, 1907, you transmitted the record in the matter of the application for the enrollment of John W. Lawrence and George E. Lawrence as citizens by blood of the Cherokee Nation, including your decision of the same date, granting the application for the enrollment of John W. Lawrence and rejecting the application for the enrollment of George E. Lawrence.

Reporting February 25, 1907 (Land 6859), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The Cherokee Nation protests against the enrollment of John W. Lawrence.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

1 inc. and 4 to Ind. Of.

A F Mc
3-1-07

Cherokee D 1628

COPY

Muskogee, Indian Territory, March 9, 1907.

John W. Lawrence,

Long Beach, California.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 7, 1907, granting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior February 28, 1907.

For your information, there is a copy of Departmental letter enclosed herewith.

Respectfully,

SIGNED Tams Bixby
Commissioner.

Enc. M-102

MS

Cherokee D
1628 - 2843

COPY

Muskogee, Indian Territory, March 9, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 7, 1907, granting the application for the enrollment of John W. Lawrence, and rejecting the application for the enrollment of George E. Lawrence, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 28, 1907.

For your information, there is a copy of Departmental letter enclosed herewith.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Enc. M-103

MK

Cher 11001

Hubert Henry

Trans. from D998

Cher 11001

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHOLSEA, I.T., NOV 20th, 1900.

IN THE MATTER OF THE APPLICATION OF Hugh B. Henry for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name please? A Hugh B. Henry.
Q How old are you? A Forty three years.
Q What is your Postoffice?? A Guntersville, Alabama.
Q In what district in the Cherokee Nation do you claim citizenship?
A Cooweescoowee.
Q For whom do you wish to make application? A Myself, wife and two children.
Q Do you apply for yourself as a Cherokee by blood? A Yes, sir.
Q What is your wife? A She is a white woman.
Q How long do you claim to have resided in the Cherokee Nation?
A I have not resided in the Cherokee Nation since 1892.
Q What is the occasion of your absence from the Cherokee Nation?
A I removed from the Cherokee Nation to make a living, to better enable me to support myself and family.
Q You are a resident of Alabama?? A Yes sir/
Q In business there? A Yes sir; book keeping is my profession.
Q Are you on any of the rolls of the Cherokee Nation? A I have been admitted twice: Here is my readmittance of myself and one of my childrem.
Q Give me the name of your wife? A Alice E. Henry.
Q How old is she? A Forty.
Q When did you marry her? A September 2nd, '77.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.
Q Have you and she lived together as husband and wife ever since you were married in 1877? A Yes sir.
Q Where were you living when you were married to her?
A In Blunt County, Alabama.
Q When did you first come to the Cherokee Nation with your family after your marriage? A In '89.
Q Neither you nor any of your family are therefore on the roll of 1880? A No sir.
Q Give me the names of your children? A Hubert.
Q How old is that child? A He is now eighteen.
Q The next child? A Robert.
Q How old is he? A He is now twelve.
Q Both living now, are they? A Yes sir. These two children are on the roll of 1896.

The applicant presents an official copy of the records of the Cherokee Commission on Citizenship, showing that on the 30th dy of September, 1887, Hugh B. Henry and Hubert Henry were admitted to citizenship as Cherokees by blood.
Q Now the first name there is your name, is it? A Yes sir.
Q And the second name is the name of your oldest child? A Yes sir

This is filed herewith. It is recognized as official evidence of the admission of the applicant and his son, as stated.

Q You first came to the Cherokee Nation in 1889, with your family?
A Yes sir.
Q That was after your admission in 1887? What was your first coming to the Cherokee Nation? A In 1887 I was readmitted: In 1888 I came here, my father and me, with our effects. I did not bring my wife out until 1889.
Q How long did you stay here? A I removed in 1892.
Q You stayed here until 1892? A Yes sir.

Q And then returned to Alabama? A Yes sir.
Q And have been living there ever since? A Yes sir: I was here some time before I brought my ~~family~~ wife here.

(1896 Roll, Page 180, #2345, Herbert Henry, Coo. District)
(1896 Roll, Page 180, #2346, Robert Henry, Coo. District)

Q These children were both born in Alabama, were they? A Yes sir.
Q And they have lived there all their lives, except the period you mentioned as having been in the Cherokee Nation? A Yes sir.

The applicant applies for the enrollment of himself, his wife and two children. He is shown to have been admitted to citizenship by the Cherokee Commission on Citizenship in 1867: He came to the Cherokee Nation with his family in 1889, and returned to the State of Alabama in 1892, and he has continued to live there ever since.
He is not identified on any roll of the Cherokee Nation, and is not considered qualified under the requirements of the Curtis Law, upon the score of non residence. Therefore, the application for his own enrollment is rejected, he being classed as a Cherokee by blood.

His wife is deemed not to be qualified for enrollment, owing to the status of her husband, and the application for her enrollment is rejected, she being classed as a Cherokee by adoption.

The older child, Hubert Henry is identified with his father in the certificate of admission cited, and filed herewith: He is still living and is a minor. He is living in the State of Alabama, where he was born, and he has continued to live there ever since, except for the period of residence cited in the testimony, when the family were in the Cherokee Nation. Being still a minor, however, his status is not considered to be the same as that of his father and mother, and the application for his enrollment will be taken under advisement, and his name will be placed at present on a Doubtful Card, as a Cherokee by blood.

The child, Robert Henry, is shown by his age to have been born after his father's admission to citizenship, but prior to the period when he returned in 1892 to Alabama. This child is therefore considered to have the same rights as his brother. He will be classed as a Cherokee by blood on a Doubtful Card, for further consideration, and the final decision of the Commission will be made known to the applicant at his Postoffice address.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A R Edwards

Subscribed and sworn to before me this 20th day of November, 1900.

C. A. Hunt

COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
NOV 20 1900

CHICKASAW BLOOD AND CHOCTAW

4.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 20 1900 1900.

Name Guntersville Ala.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

1 Hubert Henry Dist. COOWEESCOOWEE Year 1896 Page 180 No. 2345 Age 16

2 Robert " Dist. " Year " Page 180 No. 2346 Age 12

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

1 Cen 1896 roll as Herbert Henry

Supl.-C.D.#837.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of HENRY HURRY HENRY, ET AL., as citizens of the Cherokee Nation:

The applicant's father, Hugh B. Henry, was notified by registered letter February 19, 190 , that his application for the enrollment of himself and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any further testimony affecting said applicantion. Receipt has been acknowledged of Commission's letter. The applicant being this day, to-wit: the 11th day of March, 1902, called and failing to respond, it is considered that the case is completed, and the same will be reported to the Commission for final decision based upon the evidence now of record.

Mr. W. W. Hastings, Cherokee Representative, present.

---ooo000ooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the proceedings this day had in the above case, and that the foregoing is a true and complete transcrip of my stenogr phic notes thereof.

J. O. Rosson

M A R R I A G E L I C E N S E .

The State of Alabama, Blount County.

To any Minister of the Gospel, Judge of the Supreme or Circuit Courts or Chancellor of said State, Judge of Probate, or any Justice of the Peace of said County--Greeting:

You are hereby authorized to celebrate the rites of matrimony between Hugh B. Henry and Alice E. Griffith and this shall be your sufficient authority for so doing.

Given under my hand and seal this 2nd day of Sept. A. D. 1877.

J. W. Moore L. S.
Judge of Probate.

The above named parties were married by me at my house on the 2nd day of Sept. A. D. 1877.

W. P. StJohn, M. G.

The State of Alabama }
Blount County }

I, Tyre H Davidson, Judge of Probate in and for said County, do hereby certify that the within is a true and correct copy of the Marriage license with the Certificate of marriage thereto of Hugh B. Henry and Alice E. Griffith, as the same appear of file and of record in this office.

Given under my hand and seal this 3 day of March, A.D.1902.

Tyre H. Davidson,
Judge of Probate.

Seal

Muskogee, I. T., May 23, 1902.

I, H. M. Vance, as Stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of a record now on file in the office of the Commission.

H M Vance

Hugh B. Henry.

Office Commission on Citizenship.

Tahlequah Ind. Ter. October 1st 1887.

Docket No.	Names	Age	sex	Post Office	Attorney.
	1 Hugh B. Henry	30	Male	Guntersville	Ala.
	2 Hubert Henry	8	"		

Applicant For

Boudinot and

885 Cherokee Citizenship. Reeves

Census Rolls 1835,
51 & 52
Ancestor
Annie Henry

Vs.
Cherokee Nation

Now on this the 30 day of Sept.1887 comes the above case for a final hearing and the parties having made application pursuant to the provisions of an act of the National Council approved Dec. 8th 1886 and all the evidence being duly examined and found to be sufficient & satisfactory to the commission & the name of the ancestor Annie Henry appearing on the rolls of 1835,51 & 52 It is adjudged and determined by the Commission that Hugh B.Henry,Hubert Henry are Cherokees by blood and are hereby readmitted to all the rights, privileges abd amunities of Cherokees by blood and a certificate of said Commission and readmission was made & furnished by said parties accordingly.

Attest,
C.C.Lipe,
Clerk Com.

J.T.Adair, Chairman,
John B.Gunter, Commissioner.

Executive Office Cherokee Nation,

Tahlequah I.T.

I,B.W.Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the record of the Citizenship Commission of the Cherokee Nation now filed in this office according to law and is in my custody.

Given under my hand and the seal of the Cherokee Nation this the 12th day of November 1900.

(SEAL)

(Signed) B. W. Alberty
Assistant Executive secretary,
Cherokee Nation.

I, Chief Clerk of the Cherokee Land Office and custodian of the records of said office, hereby certify that the foregoing is a true and correct copy of the original on file in said office.

C. F. Ruth

Subscribed and sworn to before me this 26th day of February, 1903.

Samuel Foreman

Notary Public.

Cherokee D. 837

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hubert Henry and Robert Henry as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on November 20, 1900, Hugh B. Henry appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment, among others, of his two minor sons, Hubert and Robert Henry, as citizens by blood of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Hugh B. Henry was lawfully married on December 8, 1877, to one Alice E. Griffith, and thereafter on September 30, 1887, the said Hugh B. Henry was admitted to citizenship in the Cherokee Nation by the duly constituted authorities thereof. As a result of his said marriage the applicants herein were born.

The evidence further shows that the applicants were born in Alabama, and removed to the Cherokee Nation with their parents in 1896; that they remained therein with their said parents until 1898, at which time they removed with their said parents to the State of Alabama, where they continued to reside up to and including June 28, 1898.

Paragraph nine, section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of Hubert Henry and Robert Henry as

citizens by blood of the Cherokee Nation should be denied, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Dated at Muskogee, Indian Territory,

this MAR 20 1903

FILED
SEP 28 1903
COMMISSION TO FIVE TRIBES.

8837

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee I. T. September 26th 1903.

In the matter of the application for the enrollment of Hugh B. Henry et al as citizens of the Cherokee Nation.

Cherokee D. # 837.

The Cherok e Nation respectfully dissents from the views expressed by the Honorable Commissioner of Indian Affairs in his letter to the Honerable Secretary of the Interior dated July 10th 1903 in the above case for the reason that the testimony in this case shows that Hugh B. Henry was admitted to citizenship in the Cherokee Nation on September 30th 1887 that he came to the Cherokee nation where he remained only a very short time only about three years when he r eturned to the state of Alaba ma where all of the applicants are at present residing.

The Cherokee Nation contends that under Article I Section 2 of the Cherokee constitution that the applicants forfeited their rights to be enrolled as citizens of the Cherokee nation by their removal to and perman ent residence in the State of Alabama since 1892,

The Cherokee nation contends second, that under the act of December 4th 1894:

"That all persons who have been or may hereafter be readmitted to citizenship in the Cherokee nation are hereby required to permanently locate within the limits of the Cherok e Nation with in six months from the passage of this act, or from the date of readmission of persons hereafter readmitted, or no rights whatever shall accrue to such persons by reason of such readmission; Provided that nothing in his act shall bar minors and orphans."

The applicants forfeited their rights to be enrolled as citizens of the Cherokee Nation by not returning to and locating within the limits of the Cherokee Nation within the time prescribed by said act. Attention is called to the decision of the Department in the case of Berley E. Geny et al Cherokee D. 831.

The Cherokee Nation further contends that under the act of C ongress approved June 28th 1898:

"No persons shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship"

that the applicants are not entitled to be enrolled as citizens of the Cherokee Nation. We see no similarity whatever between this case and the case of Robert L. Couch because in the Couch case he was a single man;

was roaming aimlessly over the world; his fathers home was in the Cherokee Nation where he was born and reared; until finally struck by the spirit s of adventure he went to South Africa where he was supposed to have joined the army. In that case there was evidently no intention on the part of Couch to forfeit or relinquish his citizenship in the Cherokee Nation.; he took up no permanent residence anywhere; he acquired no property elsewhere; he identified himself with no other government whereas in the case at bar these applicants have been continuous residents of the state of Alabama since 1892 and we can see great danger in the concluding lines of the Honorable Commissioner of Indian Affairs ~~xxxxxxx~~ wherein he says that it is therefore respectfully recommended that the decision adverse to them be not approved and that the Commission be directed to advise Hugh B. Henry that said minor applicants will be entitled to be enrolled upon their removal to and settling permanently in the Cherokee Nation prior to the approva l of the final roll by the Department: This will be a dangerous precedent indeed.. If these people are citizens now, citizens when they applied, they are entitled to be enrolled as such or they are not. They are either citizens or not citizens . Under the Curtis Bill they were required to be permanent residents of the Cherokee Nation and it is conceded that they are not and have not been for eleven years. Under the Cherokee constitution they were required to permanently locate within the limits of the Cherokee Nation and continuous identification with the tribe was necessary: Under the act of December 4th 1894 they were required to r eturn to the Cherokee Nation within a specified time; this act was not heeded by the applicants and the Cherokee Nation most earnestly contends that if they were not entitled to be enrolled under the Curtis Act; under the Cherokee act of December 4th 1894 and under the Cherokee Constitution that a removal to the Cherokee Nation now and a pretended residence here for a few days to secure an allotment of land would not give them citizenship in the Cherokee Nation.

Again this letter is dated July 17, 1903 whereas under the late Cherokee treaty submitted to the Cherokee people under the act of Congress approved July 1st 1902 the rolls were to close and be made as of date September 1st 1902 and we contend that no testimony whatever should be taken of the actions of any citizen subsequent to that time. The question is were the applicants entitled with their residence in the State of

Alabama at that time to wit; On september 1st 1902. If a person who dies on September 1st 1902 does not lose his citizenship but is entitled to be enrolled and a person born on the third day of September 1902 gains no citizenship and is not entitled to be enrolled it is difficult indeed for us to understand how the applicants subsequent to september 1st 1902 can do anything by any act of theirs to entitled them to enrollment as citizens of the Cherokee nation if they were not so entitled on september 1st 1902.

Respectfully submitted,

W W Hastings

Attorney for the Cherokee nation.

0831

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN. 9 1904

AAD

Cherokee D-837

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., December 29, 1903.

In the matter of the application for the enrollment of HUBERT HENRY and his brother, ROBERT HENRY, as citizens by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

PATRICK HENRY, being duly sworn, and examined by the Commission, testified as follows:

Q State your name? A Patrick Henry.
Q How old are you? A I'm 68 years old.
Q What is your postoffice address? A Chelsea, Indian Territory.
Q Are you a citizen of the Cherokee Nation? A I am.
Q You have a son named Hugh B. Henry, have you not? A Yes sir.
Q Where is he living? A He's now living in Guntersville, Alabama.
Q Your son has two children? A Two children.
Q Hubert and Robert? A Hubert and Robert.
Q Now, on November 20, 1900, it appears that Hugh B. Henry made application for the enrollment of himself and two children, Hubert and Robert, as citizens of the Cherokee Nation?
A Well, I suppose he did; I know he made application; my recollection was it was in November.
Q Hugh B. Henry appears to have been admitted to citizenship by the tribal authorities? A Yes sir.
Q Do you know when that was? A He was first admitted in '82.
Q Where was he living then? A Alabama.
Q Had he lived in the Cherokee Nation until up to that time?
A No sir, he came out here in 1882 and made application for citizenship for himself. I lived in Alabama and made application for myself and my family and that admitted me and all my children; we were all admitted. I went back to Alabama expecting to return with my family, but didn't do it until 1888; then in September, I believe it was, in '88, I came back and was readmitted, and I think he was admitted at the same time. I lost my citizenship by going back to Alabama.
Q Then you were admitted about '88 or '89? A Yes sir.
Q Hugh B. Henry came back with you? A Yes sir; he came back afterwards; he came in '89 I think it was.
Q Was he married then? A Yes sir.
Q He married down in Alabama? A He married in Alabama.
Q Now, what part of the nation did Hugh B. Henry come to when he came? A Chelsea; we were doing business there together.
Q Did he and his wife go to housekeeping there? A Yes sir.
Q How long did he live at Chelsea? A I suppose he lived there a year, maybe more.
Q What was he doing there? A He and I were in business together, mercantile business.

Q Then where did he go? A He eventually went to Alabama; he went down to Texas and staid awhile and then went to Alabama.
Q What property did he have in the nation during the time he lived here? A Why, I gave him some property.
Q What kind of property? A He and I lived together; we didn't exactly live together either. He owned a farm out there in the country; I helped him buy a farm about a mile from Chelsea.
Q He rented it? A Yes, he rented it.
Q Does he still own it? A No, he sold it.
Q When did he sell it? A Just before he left.
Q Didn't own it very long? A No sir, not very long.
Q Did he own any property at the time he left? A No, he sold out everything. I told him then if he expected to return to the Cherokee Nation he had better leave some property here.
Q He went back to Alabama in 1892? A Well, I think that was the date, but I am not positive about it.
Q Did he have any household goods when he went away? A My recollection is that he disposed of them; perhaps shipped some of them.
Q He left no property here? A He really left not property here in the nation; disposed of everything. Nothing that I know of.
Q Do you know what his intention was in coming from Alabama to the Cherokee Nation in '89? A I believe it was his idea to remain here.
Q In going away again in 92, do you know what his intention was?
A I really don't; now I'm rather inclined to think--I expect he intended really to come back. I know I told him if he expected to come back he had better get some property.
Q Did you ever have a talk about what he intended to do? A Well, his idea was, you know, that he couldn't make a living here as well as he could back there until the country got opened or something of that kind.
Q Did he have any property or interests down in Alabama? A I don't know but what his wife had.
Q What is he doing there? A Well, he writes me since he's back there he's now in what's called the collecting business. Now Hubert, his son, is 21, 21 in October, and he is a lawyer and is now in the collecting business, got an office.
Q He votes down there, does he? A Yes sir.
Q Does he regard himself as a citizen of Alabama? A I think he does; I don't think he claims any citizenship here so far as he is concerned.
Q Well, has he in any way sought to identify himself with the Cherokee people since he went away? A No sir. Well, you know he made an application here for citizenship, at Chelsea, for enrollment, but outside of that I don't know.
Q Do you know whether he drew the strip money in '94? A No sir, I don't.
Q Neither for himself or for his children? A No sir.
Q These two children, Hubert and Robert, have been living with their parents ever since they were born? A Yes sir, except when they were at school.
Q Been living in Alabama? A Yes sir.
Q Do you know whether your son intends to come back here or not?
A Not that I know of.
Q What about Hubert? A Hubert, he, I think, wants to come back here; that is the way he writed me; they think the children want to come back out here; I wrote him, after Hubert was admitted to law, that it was a good country.

Q Some of them have ever been back here? A No sir, except Hugh when he made that application for citizenship.
Q Alice, the mother, is a white woman? A She's a white woman, yes sir. My idea about the children, I think they would like to come out here.
Q Anything else you wish to state, Mr. Henry, in connection with this case? A Well, I don't know that I know anything else practically. Now as to Hugh himself, he, of course, has given up any hope for anything of that kind, but the idea was that his children--and I thought so too--I don't see how in the world the child could help himself.
Q He enrolled him in '96 you say? A I think he did, before Judge Clary I think it was, these children and another grandchild that I have.
Q How long did your son Hugh stay here when he came to apply for enrollment? A He staid here about--I think about a week or a little over.
Q He came for that purpose? A Yes sir.
Q That is the only visit he made to the Cherokee Nation since he went away in '92, is it? A Yes sir.
Q Have these children any property in the nation? A No sir.
Q Never had any? A Not that I know ---well he wrote me that Hubert had a pony.
Q At the time he left? A Yes. He wrote me the other day that the pony was sold for a debt of his, the father's; that someone bought the pony and gave it back to him; they never had any property here that I know of.
Q So neither your son nor his children have been identified with the Cherokee people since they went away? A No sir, not since they left here; they drew money here a good while, got what they called the "bread money" in '80 I think it was.

****

Mabel F. Maxwell, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to before me
this 9th day of January, 1904.

Samuel Tonman.
Notary Public.

MFM

Cherokee D 837

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hubert and Robert Henry, as citizens by blood of the Cherokee Nation.

--:--

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That, on November 20, 1900, Hugh B. Henry appeared before this Commission at Chelsea, Indian Territory, and made application for the enrollment, among others, of his minor sons, Hubert and Robert Henry, as citizens by blood of the Cherokee Nation. The others included in said application are differently classified, and will not be embraced in this decision. Further proceedings in the matter of said application were had on May 11, 1902, at Muskogee, Indian Territory.

The record further shows that on March 20, 1903, the Commission rendered its decision herein denying said applicants the right to enrollment as citizens by blood of the Cherokee Nation, and that said decision was duly forwarded to the Department; that thereafter, on November 9, 1903, (Departmental letter I. T. D. 7310-03), this case was remanded by the Department for further testimony and readjudication, and that, on December 29, 1903, further testimony in the matter of said application was taken at Tahlequah, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, Hubert and Robert Henry, are the children of Hugh B. Henry, a Cherokee by blood, and one Alice M. Henry, a white woman; that on September 30, 1887, the applicant, Hubert Henry, and his father, Hugh B. Henry, were, by the properly constituted authorities, readmitted to citizenship in the Cherokee Nation, and that subsequent

to the date of said readmission the applicant, Robert Henry, was born.

The evidence further shows that the applicants herein were born in Alabama in the years 1882 and 1886, respectively, and that during the year 1889, they were brought by their parents to the Cherokee Nation, and, together with their said parents, continuously resided in said Nation until the year 1892. During the last mentioned year said parents of the applicants herein disposed of their property in the Cherokee Nation and, taking with them their effects, returned, together with said applicants, to Alabama, where, up to and including September 1, 1902, they have all since continuously resided.

Said applicants, Hubert and Robert Henry, are identified on the Cherokee census roll of 1896.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that upon his removal to the Cherokee Nation in 1889, the applicant, Hubert Henry, became an actual, bona fide, resident of said Nation, and thereby perfected his right to citizenship therein; and that, under the ruling of the Department in the case of James Hunter et al., (I. T. D. 924-04), his removal from said Nation would not, during his minority, forfeit his right to Cherokee citizenship; consequently, on September 1, 1902, said applicant being at that time a minor, was a citizen of the Cherokee Nation, and entitled to enrollment as such; and it is further considered by the Commission that the applicant, Robert Henry, was born during his father's allegiance to the Cherokee Nation, and that, on September 1, 1902, he being yet in his minority, was, under the ruling of the Department in the case of Stonewall J. Rogers, et al. (I.T.D. 6790-02-3092-05), a citizen of the Cherokee Nation and entitled to enrollment as such.

IT IS, THEREFORE, THE OPINION OF T IS COMMISSION: That Hubert Henry and Robert Henry should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

C. R. Breckinridge Jr.
Commissioner

Muskogee, Indian Territory,
JUN 30 1905

C D837

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 25 1902

ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1902.

Mr. Hugh B. Henry,

Guntersville, Alabama.

Sir:-

You are hereby notified that the application of Hubert [illegible] Robert Henry

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 11th day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are requested to supply the Commission with certificate of the marriage of the parents of Hubert yourself and Robert Henry.

Cherokee D-837
Register.

Yours truly,

[illegible]

Commissioner to the Five Civilized Tribes.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee B-657

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 11, 1902

Mr. Hugh B. Henry,

Sumtersville, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of March 6, enclosing certified copy of your marriage license and certificate, and stating that you will not be present on the date of final hearing of the application for the enrollment as citizens of the Cherokee Nation of Hubert and Robert Henry.

The marriage license and certificate has been duly filed with the application for the enrollment of these children.

Yours truly,

Commissioner in Charge.

Cherokee D-837.

Vinita, Indian Territory, February 26th, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith the record in the matter of the application of Hubert Henry, et al, Cherokee D-837.

No decision seems to have been prepared herein and no reason is assigned why the case has been held up.

The attention of the Commission is respectfully called to their decision, and its approval by the Secretary of the Interior, in Cherokee M-404.

Respectfully,

Clerk in Charge.

Enc. C-42.
JOC.

Vinita, Indian Territory, March 27, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

As directed in the Commission's letter of March 24, I have the honor to transmit herewith, original jackets and duplicate records in the following applications for enrollment as citizens of the Cherokee Nation:

Cherokee D-196, Lizzie M. Miller, et al.
Cherokee D-837, Hubert Henry, et al.
Cherokee D-1204, Charles T. Ironside, et al.
Cherokee D-1227, Mary Hill, et al.
Cherokee 7204, William M. Ramaldson.

Respectfully,

Clerk in Charge.

Encl. P-178.

EP.

COPY.

Cherokee D-837

Muskogee, Indian Territory, April 2, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 20, 1903, rejecting the application of Hugh B. Henry for the enrollment of his two minor children, Hubert and Robert Henry, as citizens by blood of the Cherokee nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby.

Chairman.

Enc. M-293

COPY.

Cherokee D-837

Muskogee, Indian Territory, April 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Hugh B. Henry for the enrollment of his two minor children, Hubert and Robert Henry, as citizens by blood of the Cherokee nation, including the Commission's decision, dated March 20, 1903, rejecting said application.

Respectfully,

Tams Bixby
Chairman.

Enc. M-399

Through the

Commissioner of Indian Affairs.

4 5560

COPY.

Cherokee D-827

Muskogee, Indian Territory, April 2, 1903.

Hugh B. Henry,

Guntersville, Alabama.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your two minor children, Hubert and Robert Henry, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated March 29, 1903, rejecting your said application.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby.
Chairman.

Enc. M-99

Register

(Copy of a Copy)

Refer in reply
to the following:

LAND

22620-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, JULY 10, 1903.

The Honorable,

The Secretary of the Interior,

Sir:-

I have the honor to transmit herewith a report from C. R. Breckinridge, Esq., member of the Commission to the Five Civilized Tribes, dated April 2, 1903, forwarding the record relative to the application of Hugh B. Henry, for the enrollment of his two minor sons Hubert and Robert Henry, as citizens by blood of the Cherokee Nation.

Hugh B. Henry also applied for enrollment of himself and his wife, but the Commission states that the parties to the case other than the minors are differently classified, and not therefore embraced in this decision.

March 23, 1903, the Commission held that these minor applicants were not entitled to enrollment. The record in this case shows that Hugh B. Henry was on December 7, 1877 married to Alice E. Griffith in accordance w ith the laws of Alabama; that ther after , to wit, on September 30, 1887 Hugh B. Henry and Hubert Henry were admitted to citizenship in the Cherokee Nation by the tribal authorities, Robert Henry was born subsequent to

the admission of his father and his brother Hubert. The record in the case shows that Jugh B. Henry and his family removed to the Cherokee Nation in 1889; that they resided there until 1892 when they removed to Alabama where they resided at the date of the application November 20, 1900.

It appears to this office that under the decision of the Department in the Robert L. Couch case, dated February 6, 1903, (I.T.D. 792), that these minor applicants are entitled to enrollment if they removed to and permanently located in the Cherokee Nation prior to the approval of the Cherokee rolls by the Department. It is therefore respectfully recommended that the decision of the Commission adverse to them be not approved, and that the Commission be directed to advise Hugh B. Henry that said minor applicants will be entitled to enrollment upon removing to and settling permanently in the Cherokee Nation prior to the approval of the final roll by the Department.

Very respectfully,

W. A. Jones,

Commissioner.

G.A.W.(E.)

(Copy of Copy)

R.C. 19647-1903
IKD. 5560-1903.

J.P.
W.C.P.
RAF

DEPARTMENT OF THE INTERIOR,
WASHINGTON. July 17, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

On July 10, 1903, the Commissioner of Indian Affairs transmitted the record in the matter of the application of Hugh B. Henry for the enrollment of his two minor sons, Hubert and Robert Henry, as citizens by blood of the Cherokee Nation, and recommended that your decision, adverse to the applicants, be not approved. A copy of his letter is inclosed herewith.

You are directed to notify the principal applicant and the attorneys for the Cherokee Nation of the recommendation of the Indian Office, and that 30 days will be allowed them in which to file any argument they may desire. A copy of said argument must be furnished the opposite party.

Respectfully,

(Signed) Thos. Ryan
Acting Secretary

1 inclosure.

Cherokee D-837.

Muskogee, Indian Territory, August 5, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed departmental letter of July 17, in Cherokee D 837, Hubert Henry et al.

In accordance with the instructions contained in said letter, you are advised that you will be given thirty days from the date of this notice in which to file any argument that you may desire. You will be required to serve a copy of said argument upon the applicants.

Respectfully,

Commissioner in Charge.

Enc.L-13.

Muskogee, Indian Territory, August 5, 1903.

Hugh B. Henry,

Guntersville, Alabama.

Dear Sir:

There is herewith enclosed a copy of departmental letter of July 17, 1903, in the matter of your application for the enrollment of your two minor children, Hubert and Robert Henry, as citizens by blood of the Cherokee Nation.

In accordance with the instructions contained in said letter, you are hereby advised that you will be given thirty days from the date of this notice in which to file any argument you may desire in this case. You will be required to serve a copy of said argument upon the attorney for the Cherokee Nation, W. W. Hastings, Tahlequah, Indian Territory.

Respectfully,

Commissioner in Charge.

Enc. 113.

H. B. HENRY,
COLLECTOR

LARGE AND SUCCESSFUL EXPERIENCE.
Business Handled in Marshall and Adjoining Counties.

In Re

Reference to
Land 22620--1903

Guntersville, Ala., Aug.15th. 1903

The Honorable,
The Secretary of the Interior,
Washington, D.C.

Sir:-

Refering to the matter of the application of Hugh B.Henry for the enrollment of his two minor sons Hubert and Robert Henry as citizens by blood of the Cherokee Nation beg to say;

I have been advised by the Commissioner of the Five Civilized Tribes, that the Honorable W.A.Jones Commissioner of Indians affairs recommends to your Honor that their decision adverse to the applicants be not approved, and that I will be given 30 days from the date their notice (Aug.5th.) to file Argument Etc. I, having as yet received no brief from Mr.W.W.Hastings att'y for the Cherokee Nation, have no argument to submit, further than to call your attention to the letter of Hon.W.A.Jones Commissioner, Office of Indian affairs, bearing date July 10th.1903, addressed to your Honor, and to state that the said Applicants are ready to remove to and settle in the Cherokee Nation as suggested in said letter when it is finally decided that they are entitled to enrollment.

Department of the Interior,
RECEIVED
AUG 18 1903
No. 7127
Indian Territory Division.

9
1

2 H. B. HENRY,

COLLECTOR

LARGE AND SUCCESSFUL EXPERIENCE.

Business Handled in Marshall and Adjoining Counties.

In Re _____

vs. _____

Guntersville, Ala., _____ *190*

I trust that you will feel justified in agreeing with us that these minor applicants are entitled to enrollment under the law and the evidence, and that at an early day I will be so advised.

Respectfully.,

Hugh B Henry

Cherokee D-837

Muskogee, Indian Territory, October 2, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 26, enclosing argument in Cherokee D-837, Hubert Henry et al., and said argument has this day been transmitted to the Secretary of the Interior.

Respectfully,

Chairman.

Cherokee D-837

Muskogee, Indian Territory, October 2, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 17, 1903 (ITD. 5560-1903), there is herewith transmitted argument of attorney for the Cherokee Nation in Cherokee D-837, Hubert Henry et al.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

Rec. D-13.

Interior,
OCT 13 1903
7310

(Copy)

Refer in reply to the following:
Land.
63,873-1903.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Oct. 12,1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit a letter of the Commission to the Five Civilized Tribes, of the 2d instant, referring to Department letter of July 17, 1903 -- I.T.D. 5560-1903 -- it being a decision in the Cherokee enrollment case of Hugh B. Henry, et al. The Commission forwards the argument of the Attorneys for the Cherokee Nation for a reconsideration of the case.

The record in the case is enclosed.

Very respectfully,

W.A. Jones,
Commissioner.

(R.B.H.) P.

D.C. 31628-1903. 72773 JP FHE LRS.

I.T.D. 5560-1903.
7310- "

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

November 9, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application for the enrollment of Hubert and Robert Henry, as citizens by blood of the Cherokee Nation, received with your letter of April 2, 1903.

It appears that the father of these applicants, Hugh B. Henry, was lawfully married December 7, 1877, to Alice E. Griffith, and thereafter on September 30, 1887, he was admitted to citizenship in the Cherokee Nation. As a result of said marriage the applicants were born. The evidence shows that they were born in Alabama, and removed to the Cherokee Nation with their parents in 1889; that they remained there with their parents until 1892, when they removed with said parents to the state of Alabama, where they continued to reside up to and including June 28, 1898.

Referring to paragraph 9, section 21, of the act of June 28, 1898 (30 Stat., 495), which provides that

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship,"

you decided March 20, 1903, that the application should be denied.

Reporting in the matter July 10, 1903, the Commissioner of Indian Affairs stated that it appeared to him that under the decision of the Department in the Robert L. Couch case, these applicants are entitled to enrollment if they removed to and permanently located in the Cherokee Nation prior to the approval of the Cherokee rolls by the Department, and he recommended that your decision be not approved, and that you be directed to advise Hugh B. Henry that said minor applicants will be entitled to enrollment upon removal to and settling in the Cherokee Nation prior to the approval of the final roll by the Department.

The Department is not prepared to give these directions. It is not satisfied with the evidence taken in the case. There is nothing to show whether these applicants moved their effects from the nation when they returned to Alabama in 1892. The testimony was taken and your decision rendered under a different interpretation of said paragraph 9 than that now prevailing.

The case is remanded for further testimony and to be readjudicated.

Various decisions have been made by the Department bearing upon said paragraph 9 since your decision in this case. In the case of C. C. Clarke, et al., it was held March 17, 1903, that persons residing away from the Nation and apparently having no

definite purpose of returning to the Nation, were entitled to enrollment by virtue of having maintained ownership of improvements upon and control of national lands, with a considerable amount of personal property in the Nation.

All the papers in the case, including a copy of the Commissioner's letter, are enclosed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

2 inclosures.

No copy encl.

Cherokee D-637

Tahlequah, Indian Territory, November 24, 1903.

Hugh B. Henry,

Guntersville, Alabama.

Dear Sir:

You are hereby notified that your application for the enrollment, as citizens by blood of the Cherokee Nation, of your two minor children, Hubert and Robert Henry, has been remanded to this Commission by the Secretary of the Interior, in order that further testimony may be taken.

Evidence is particularly required as to the residence of these children in the Cherokee Nation and also as to what property, if any, they have ever owned there. This testimony can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before December 22, 1903.

When you appear, please present this letter.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MPK

Cherokee D-837

Tahlequah, Indian Territory, November 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior has remanded, for further hearing, the application for the enrollment of Hubert and Robert Henry as citizens by blood of the Cherokee Nation, Cherokee D-837.

The father of these applicants has been notified that he can appear at the Cherokee Land Office of the Commission at Tahlequah, on or before December 22, 1903, and introduce further testimony as to their residence; also as to the property owned by these children in the Cherokee Nation.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MTM

10837

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 18 1903

CHAIRMAN

Cherokee D-837

Tahlequah, Indian Territory, December 19, 1903.

Hugh B. Henry,

Guntersville, Alabama.

Dear Sir:

The Commission is in receipt of your letter of December 10, acknowledging receipt of a notice from the Commission that further testimony is desired in the matter of the application for the enrollment of your two children, Hubert and Robert Henry, as citizens of the Cherokee Nation. You state it will be impossible for you to appear at the Cherokee Land Office of this Commission at Tahlequah as requested and give testimony in the case of your children, and ask if the testimony of their grandfather, Patrick Henry, of Chelsea, will be sufficient.

In reply, you are advised that the Commission will take the testimony of Mr. Patrick Henry and if his testimony is not sufficient, you will be so notified. The Commission is in receipt of a letter from Partick Henry in which he asks if he can give this testimony; he will be notified to appear and that his testimony will be received.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MPK

X-831

COMMISSION TO

FILED

DEC 28, 1903

End

Cherokee D-837

Tahlequah, Indian Territory, December 19, 1903.

Patrick Henry,

Chelsea, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 16, in regard to giving testimony in the matter of the application for the enrollment, as citizens of the Cherokee Nation, of your two grandchildren, Robert and Hubert Henry. You state that you have received a letter from their father, in which he asks you to give testimony in this case, and you ask if you can select allotments for the children when you appear for the purpose of testifying in their application for enrollment.

In reply to this latter inquiry, you are advised that, under instructions from the Interior Department, all proceedings looking to the allotment of land in the Cherokee Nation have been suspended until further notice.

You are, however, desired to appear at the Cherokee Land Office of this Commission at Tahlequah, at the earliest possible date for the purpose of giving testimony in the matter of the application for the enrollment of said Robert and Hubert Henry.

It is noted you state you cannot appear on December 22. You are requested to appear as early thereafter as possible.

Respectfully,

Commissioner in Charge

Tahlequah, Indian Territory, February 24, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to enclose herewith decisions for review, together with the records, in the following applications for enrollment as citizens of the Cherokee Nation:

Hubert Henry, et al.,	Cherokee D 837
Minnie E. Walton,	Cherokee D 384.

Respectfully,

Acting Chief Clerk.

Encl-S-2

GRS

INDEXED

COMMISSION TO FIVE TRIBES.
No. 13805 1905
Received MAR 22 1905
ANSWERED Book Page

Cherokee Land Office,
Tahlequah, I.T.,
March 20, 1905.

Returns, signed by Commissioner Breckinridge, decision in Cherokee case D-1496, also decision in Cherokee D-837.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, March 20, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have signed the case of G. W. Emerson, Cherokee D-1496, but I am very much inclined to think that we made a mistake in our decision of July 16, 1902, rejecting his children, Sarah E. Reed and Georgia Emerson, minors, and the case of the latter seems to be particularly strong. The evidence in the last mentioned case is given incidently in the case of the father now under consideration.

In Cherokee D-837, entitled Hubert and Robert Henry, I do not sign the decision for I believe that both of these children acquired residence in good faith and that, as minors, they had never forfeited their right, so that neither under the Cherokee minor law in admission cases nor under the Curtis law does it appear that they should be denied at this time.

The cases above referred to are returned herewith.

Respectfully,

L. H. Breckinridge

Commissioner in Charge
Cherokee Land Office.

MH
Enc. H-6

INDEXED

COMMISSION TO FIVE TRIBES.

No.	Received	ANSWERED	
		Book	Page
22129 1905 MAY	2 1905		

Cherokee Land Office,
Tahlequah, I.T.,
May 1, 1905.

Referring to amended decision in case of Hubert and Robert Henry, Cherokees, dissents from said decision, admitting Hubert and rejecting Robert.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDEN.
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Tahlequah, Indian Territory, May 1, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

I have carefully read the amended decision in the case of Hubert and Robert Henry, applicants for enrollment as citizens by blood of the Cherokee Nation, Cherokee D-837.

The decision as now written admits Hubert, the older of these children, and rejects Robert, the younger.

I am atill of the opinion that both of these children should be enrolled. I think the reasoning of the decision in the case of the older child, Hubert, is correct in that his claim to citizenship having been perfected he does not lose his status by reason of having been subsequently taken from the Nation by his parents, his minority continuing all the time, and even though his parents have justly forfeited their citizenship rights. In my opinion this perfecting of the child's citizenship right is not dependent upon his having been specifically readmitted to citizenship by the constituted authorities. Any other process of equal authority would be just as effectual and just as continuing in its effects.

The younger child, Robert, written out in the present

decision, was born while his father was in the full and undisputed enjoyment of Cherokee citizenship rights. This child derived his Cherokee status from and through his father. The older child derived his in the same manner and the older child would have been just as much a Cherokee citizen if he had not been mentioned in the act or decision of readmission as he became by being so mentioned. Both derive their rights through their father. The one was recognized earlier, but both of them were equally operative during the undisputed Cherokee citizenship of the father. I note the law in regard to the citizenship of a child being determined by the citizenship status of the father. I consider that law more strictly in the matter of acquiring rights than I do in the matter of forfeiting rights already acquired. This is a case of forfeiture. In my opinion, if one child should be written out, both should be written out, but I think that neither should be written out and therefore, if the other Commissioners concur in either of the decisions as now prepared, one of them writing out the younger child and the other writing out both children, I respectfully dissent therefrom and vote in favor of the enrollment of both of these children and request, in case of dissent from this view on the part of the other Commissioners, that the case be forwarded to the Department for its final determination.

Commission---3

The papers in the case are herewith returned.

Respectfully,

Commissioner.

WH
Enc. H-59

COPY

Cherokee D-837.

Muskogee, Indian Territory, June 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Hubert Henry, et al., as citizens by blood of the Cherokee Nation, including the Commission's decision dated June 30, 1905, granting said application.

On November 9, 1903, this case was remanded for further hearing and readjudication.

Respectfully,

SIGNED Tams Bixby.

Chairman.

Incl. S-48

Through the

Commissioner of Indian Affairs.

Cherokee D-837.

Muskogee, Indian Territory, June 30, 1905.

Hubert Henry,

Guntersville, Alabama.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of yourself, et al., as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED Tams Bixby.
Chairman.

Incl. S-44
Register

Cherokee D-837.

Muskogee, Indian Territory, June 30, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Hubert Henry, et al., as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby
Chairman.

Incl. S-47

Cherokee D 857

Muskogee, Indian Territory, July 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On June 30, 1906, there was transmitted to the Department the record of proceedings in the matter of the application for the enrollment as citizens by blood of the Cherokee Nation of Hubert and Robert Henry, together with the decision of the Commission to the Five Civilized Tribes dated June 30, 1906.

There is transmitted herewith protest on behalf of the Cherokee Nation against the action of the Commission in granting the enrollment of the applicants.

Respectfully,

Tams Bixby.
Commissioner.

Through the

Commissioner of Indian Affairs.

Encl. B-6.

Cherokee
D 837

Muskogee, Indian Territory, July 18, 1906

Hubert Henry,

Guntersville, Alabama.

Dear Sir:

You are hereby advised that the attorneyfor the Cherokee Nation has protested against the decision of the Commission to the Five Civilized Tribes granting the application for the enrollment of yourself and brother, Robert Henry, as citizens by blood of the Cherokee Nation. The attorney for the Nation makes proof of the mailing of a registered letter to you containing a copy of his protest. The same has this day been forwarded to the Secretary of the Interior for his consideration.

The records show that you have been supplied with a copy of the decision of the Commission.

Respectfully,

James Dixby.
Commissioner

LMB

Land.
50936-1905.
57068-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. August 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1905, transmitting the record of the application for enrollment as citizens by blood of the Cherokee wation of Hubert and Robert Henry.

June 30, 1905, the Commission decided favorably to the applicants.

The record shows that on March 20, 1903, the Commission rendered a decision denying the applicants; that thereafter, on November 9, 1903 (I.T.D.7310-1903) the Department remanded the case for further testimony and readjudication.

The record further shows that the applicants are the children of Hugh B. Henry, a Cherokee by blood, and one Alice E. Henry, a white woman; that on September 30, 1887, the applicant, Hubert Henry and his father were regularly readmitted to citizenship in the Cherokee wation, and that subsequently the applicant, Robert Henry, was born.

The record further shows that the applicants were born in Alabama in the years 1882 and 1888 respectively, that during

the year 1889 they were brought by their parents to the Cherokee Nation, and, with their parents, continuously resided in the Nation until 1892; that during the last named year their parents disposed of their property in the Cherokee Nation and, taking their effects, returned, with the applicants to Alabama, where, up to and including September 1, 1902, they have since continuously resided. The applicants are identified on the Cherokee Census roll of 1896.

By letter of July 18, 1905, the Commissioner to the Five Civilized Tribes, transmitted a protest on behalf of the Cherokee Nation against the enrollment of the applicants which, has received careful consideration.

In view of the record the approval of the Commission's decision favorable to the applicants is recommended.

Very respectfully,

F. E. Leupp

Commissioner.

M.M.M. (W)

I.T.D.11072-1905. (Copy)

J.R.W.
W.C.P.
S.V.P.

DEPARTMENT OF THE INTERIOR,

Office of the Assistant Attorney-General,

Washington,

December 28, 1905.

The Secretary of the Interior.

Sir:

I received by reference of November 2, 1905, the record in case of Hubert and Robert Henry, applicants for enrollment as citizens by blood of the Cherokee Nation, with request for my opinion.

The record shows that Hubert Henry and the father of both applicants were admitted to citizenship of the Nation September 30, 1887. Robert was born thereafter. Both applicants came to the Nation in 1889 and remained until 1892 when the father removed to Texas and later to Alabama where they now reside and neither the father or the applicants have had any property or effects in the Nation since their removal in 1892. The Commission admitted the applicants. The Nation protests against such admission.

For reasons stated in my opinion herewith submitted upon reference of request by the Commissioner to the Five Civilized Tribes (I.T.D. 13218-1905) I am of opinion that applicants are barred by the provision of the Act of June 28, 1898 (31 Stat. 503) that no person shall be enrolled who had

not theretofore "removed to and in good faith settled in the Nation in which he claims citizenship" and that the protest of the Nation should be sustained and enrollment of the applicants be denied.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved, December 28, 1905.

Thos. Ryan,

Acting Secretary.

D. C. 806-1906.
I.T.D. 10072, 18218-1905.
LRS

Y.P.
LLB

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

January 3, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed a copy of the opinion of the Assistant Attorney-General of December 28, 1905, approved, in the Cherokee enrollment case of Hubert and Robert Henry.

In accordance with said opinion, the decision of the Commission to the Five Civilized Tribes of June 30, 1905, in favor of the applicants, is hereby reversed.

A copy of Indian Office letter of August 30, 1905, in which it is recommended that the decision of the Commission be affirmed, is inclosed.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

2 inclosures.

COPY.

Cherokee D-837.

Muskogee, Indian Territory, January 15, 1906.

Hugh B. Henry,

Guntersville, Alabama.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting your application for the enrollment of your children, Hubert and Robert Henry, as citizens by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on January 3, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Tams Bixby.
Commissioner.

Incl. S-50

COPY.

Cherokee D-837.

Muskogee, Indian Territory, January 15, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, granting the application for the enrollment of Hubert and Robert Henry as citizens by blood of the Cherokee Nation, was reversed by the Secretary of the Interior on January 3, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Tams Bixby.

Commissioner.

Incl. S-51

J.R.W.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
WASHINGTON,

I.T.D.
24506-1906.

February 27, 1907.

The Secretary of the Interior.

Sir:

I received by reference of February 20, 1906, the telegram from the Commissioner to the Five Civilized Tribes of February 19, 1906, relative to the case of Lorenzo Newton Davis, subject of my opinion of February 11, 1906, that he is entitled to be enrolled as a citizen of the Cherokee Nation by blood, which opinion he deems in conflict with those in Mary L. Strickland, subject of my opinions of March 12, 1904, and December 25, 1905.

I have examined the opinions referred to and find no conflict. Mary L. Strickland was a Cherokee by blood, married to a white man, citizen of Georgia, where her children were born. She never removed to the nation, though she made several trips there and bought improvements on communal lands. She testified that she could not return to the nation unless she should "quit him," her husband, which she "would not do for the whole Cherokee Nation." I was of opinion that though eligible by blood, the children never acquired Cherokee citizenship and never became integrated into the Cherokee Nation, but remained

in Georgia, allegiance to which they were born.

The case of Lorenzo Newton Davis was radically different. His father was a Cherokee by blood, citizen of Georgia, and being admitted to Cherokee citizenship removed to the nation in 1893, intending to remain, and bought improvements on lands intending to make it his permanent home. In 1895 (March), he brought his wife and family there. Lorenzo Davis was then a minor, and did not attain full age until October, 1904. In 1896, the mother being in ill health, the father took his family back to Georgia, where they have ever since resided, and he disposed of his property in the Cherokee Nation.

I was, and am, of opinion that Lorenzo Newton Davis became integrated into and affiliated with the Cherokee Nation and acquired Cherokee citizenship, as also did his father by the permanent settlement in the nation; that the father lost his citizenship by removal, but that the Cherokee citizenship was not lost by the minor by the father's removal, and he remained a Cherokee citizen, September 1, 1902, being then a minor.

I have also examined the record in case of Hubert and Robert Henry (I.T.D. 11072-1905), and find that Hubert was born October, 1882, and Robert after September 30, 1887. Hubert and his father were admitted to citizenship in the Cherokee Nation September 30, 1887. Their father, with his children, removed

to the nation in 1889, and with intent to locate permanently, and remained until 1892, when he removed with his family to Texas, and later to Alabama, where he was residing December 29, 1903. June 30, 1905, the Commission found that bona fide residence in the nation was established in 1889; that removal of the minors by their father did not forfeit their citizenship, and that they being minors September 1, 1902, were entitled to be enrolled. The nation protested against their enrolment, and November 2, 1905, the case was referred to me for opinion. December 28, 1905, I rendered opinion, reference to which will show that I failed to consider the effect of minority in preventing expatriation or loss of citizenship once gained. On re-examination of this case I am of opinion that failure to consider the effect of minority of the applicants in my opinion of December 28, 1905, was erroneous, and that the action of the commission in allowing their enrolment should be approved.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: February 27, 1907.

E. A. Hitchcock,

Secretary.

J F Jr.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

O.K.

I.T.D.
18218-1905.
5462 and 3138-1907.
D.C. 12268-1908.

February 28, 1907.

LRS

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has this day advised you by wire, as follows:

"Referring to your telegram of February 19, 1907, relative to conflict between opinion in Lorenzo Newton Davis and Mary L. Strickland and Hubert Henry, you are advised that the Assistant Attorney General finds no conflict. Hubert and Robert Henry decision rescinded."

Said telegram is affirmed.

There is enclosed for your information a copy of opinion of the Assistant Attorney General forthis Department, dated and approved February 27, 1907, in the matter of an apparent conflict between the decisions of the Assistant Attorney General in the cases of Lorenzo Newton Davis and of Mary L. Strickland. No conflict is found. Your attention is called to that portion of the opinion wherein the Assistant Attorney General states that his failure to consider the effect of the minority of the applicants in his opinion of December 28, 1905, in the case of Hubert and Robert Henry was erroneous. He now says

that the decision of the Commission, dated June 30, 1905, should be approved.

In accordance with this opinion, departmental decision of January 3, 1906, reversing the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, is hereby rescinded, and you are directed to enroll Hubert and Robert Henry as citizens by blood of the Cherokee Nation.

The records in the Henry case, the Battles case, and the Davis case are returned for the files of the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson
Assistant Secretary.

1 inc. and 21 inc. for Indian Office.

AFMc
3-1-07

Cherokee
11001

Muskogee, Indian Territory, April 6, 1907

H. B. Henry,

Centerville, Alabama.

Dear Sir:

In reply to your letter of April 1, you are advised that your children, Hubert and Robert Henry, have been duly enrolled as citizens by blood of the Cherokee Nation, their names appearing opposite Numbers 32992 and 32993, respectively, on a partial roll of such citizens approved by the Secretary of the Interior.

That part of your letter requesting information relative to vacant land in the Cherokee Nation, will be made the subject of a separate communication.

Respectfully,

L M B

Acting Commissioner

It seems to
me that Gth
Chem eqn's
residues &
them not for-
feit T.S.T.
Bond or
anodes-
CAD.
3/20/05

Major Breckinridge -

This note has been rewritten to conform to your views and also to those of Stonewall Jackson who thinks Gen. Ewell should recede attack, if followed, like the movement of 5th & these considerations necessary.

R. E. Lee

Department of the Interior.

OFFICIAL BUSINESS.

Penalty for private use, $300.

FILED

Department of the Interior.
Commissioner to the Five Civilized Tribes.
MUSKOGEE, INDIAN TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

Cher 11002

Bessie Stowers

Trans. from D3207

Cher 11002

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

O R D E R.

WHEREAS, on June 30, 1902, Emmet Starr, a citizen by blood of the Cherokee Nation, appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of all persons whose names appear on the 1880 and 1896 Cherokee tribal rolls, their families and descendants, for whom no application had theretofore been made; and

WHEREAS, said application made by the aforementioned Emmet Starr was for the purpose of listing with the Commission within the time prescribed by law, the applications of all persons whose names were found on said tribal rolls, their families and descendants, for whom no application had been made in person or in their behalf.

IT IS HEREBY ORDERED, That when any Cherokee citizen coming within the class affected by the aforementioned "blanket" application and for whom no other application has been made of record with the Commission, appears before the Commission, his or her application shall be

listed on the records of the Commission as of June 30, 1902, and such application shall be considered as made on said date, and the rights of the person adjudicated accordingly.

TAMS BIXBY,
Chairman.

T. B. [illegible],
Commissioner.

C. R. BRECKINRIDGE,
Commissioner.

Muskogee, Indian Territory,
March 30, 1905.

United States of America }
Northern Dist I T

Jonathan Gore being duly
Sworn by one according to Law says His age is
72 years old & resides at Blue Jacket I T.
That he is a citizen of the Cherokee Nation
I have been a resident of the Cherokee Nation
for 25 years Residing in Delaware Dist.
He further says He was well acquainted with.
W P Henderson Deceased who was a Cherokee
Indian by Blood. the said W P Henderson was
quite a Prominent citizen serving His people
in the Cherokee council. the said W P Henderson
is the Father of Miss Bessie Stowers who was
Enrolled as Bessie Henderson on the Cherokee
Rolls of 1896 affiant Further says that the
said W P Henderson talked to said affiant
at different times and places and acknowledged
the said Bessie to be his Daughter at one
time the said W P Henderson paid money
to the mother of said Bessie for the support
of the said Bessie at the affiants office in
the Town of ~~Blue~~ Jacket affiant says he has
known said Bessie Henderson from child hood
she attend school at afton I T my Daughter
Hattie was Teacher. affiant says he has heart
Disease and is wholly unable to attend as a
Witness at Muskogee

Jonathan Gore

Subscribed and Sworn to before me this
the 10th day of Oct 1905—

W M Mellen Notary Public
My Com Exp Dec 6/06

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., OCTOBER 11, 1906.

In the matter of the alleged application for the enrollment of BESSIE STOWERS as a citizen by blood of the Cherokee Nation.

BESSIE STOWERS, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Bessie Stowers.
Q How old are you? A 17.
Q What is your post office? A Bluejacket, I. T.
Q Are you a Cherokee by blood? A I am just half Cherokee, my father was a Cherokee, my mother was a white woman.
Q Was your father a full blood? A I don't know whether he was or not.
Q What was your father's name? A William P. Henderson.
Q He is dead, is he? A Yes sir.
Q When did he die? A I think he died 9 years ago.
Q Was he a Cherokee by blood? A Yes sir, he was part Cherokee, I don't know whether he was a full blood?
Q Was he a citizen of the Cherokee Nation? A Yes sir.
Q What was the name of your mother? A Mollie Robb.
Q Is she a white woman? A Yes sir.
Q Was she a citizen by intermarriage of the Cherokee Nation? A No sir.
Q Did you ever make application for enrollment to the Commission to the Five Civilized Tribes as a citizen of the Cherokee Nation?
A No sir, I never did, I wasn't old enough.
Q Did anybody ever make application for you? A They went to Fairland when they were up there and they said I would have to have my mother come because I wasn't old enough.
Q Who went to Fairland? A Sam Slagle's wife, Grace Slagle.
Q Did she attempt to make an application for your enrollment?
A No sir.
Q Did anybody else? A They talked about it, of course, I don't know, they never went before the Commission to have any application, they were up there where they were at and some of them were talking but they never did .
Q Do you know whether any one tried to make application for you?
A No sir, I don't.
Q There was a letter written to Mr. Sore, dated October 22, 1903, to the effect that he said something about an orphan who was living in his family when he made the application for the enrollment of himself and family as Cherokee citizens, do you know what person he referred to? A It was me.
Q Do you know whether he attempted to make any application for you or not? A No sir, only they just talked some of them around there
Q He never went before the Commission, just talked with some of them? A No sir.

Q Did you ever live with your father? A No sir.
Q Did he ever contribute anything to your support? A Yes sir.
Q Give you money? A Yes sir.

George M. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George M Lessley

Subscribed and sworn to before me this 12th day of October, 1905.

Myron Hunter

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bessie Stowers as a citizen by blood of the Cherokee Nation.

--:--

O R D E R .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of all persons whose names are found on the 1880 and 1896 Cherokee tribal rolls, their families and descendants, for whom no application had theretofore been made. The record further shows that one William P. Henderson, now deceased, a Cherokee by blood, whose name appears upon the Cherokee census roll of 1896, page 479, number 1416, Delaware District, was included in said application.

THE EVIDENCE IN THIS CASE SHOWS: That on October 11, 1905, Bessie Stowers appeared before this office and testified that she is seventeen years of age, and is the illegitimate child of the said William P. Henderson, deceased, and one Mollie Robb, a non-citizen white woman.

IT IS THEREFORE ORDERED: That the name of Bessie Stowers be placed upon a Cherokee Doubtful card, and that proper steps be taken to determine her rights to enrollment as a Cherokee citizen.

COMMISSIONER

Dated at Muskogee, Indian Territory

this JUN 9-1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of BESSIE STOWERS as a citizen by blood of the Cherokee Nation.

APPEARANCES:
per Applicant, Starr & Patton, by Mr. Starr.
per Cherokee Nation, W. W. Hastings.

BESSIE STOWERS, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Bessie Stowers.
Q What is your age? A 16.
Q What is your mother's name? A Mollie Webb.
Q What is your father's name? A William P. Henderson.
Q Is your father living at this time? A Yes sir.
Q Was your mother ever married to William P. Henderson? A No sir.
Q Did William P. Henderson ever contribute anything to your support?
A Yes sir.
Q What was it? A. It was money, I don't know how much it was.
Q How long did he contribute money for your support? A Until I drew my Strip money.
Q Did you drew your Strip money? A He drew it for me and I only got $50.00.
Q William P. Henderson drew your Strip money for you? A Yes sir.
Q Did you ever make your home with William P. Henderson? A No sir.

BY MR. HASTINGS:
Q How old are you? A 16.
Q The Cherokee Strip payment was in 1894, which was 12 years ago, then you were only 4 years of age at that time? A I guess so.
Q Well you are testifying from what your mother or some one told you, are you not? A Why I don't know as I am.
Q You don't recollect what took place about a payment of money when you were only 4 years old? A I was here at Vinita.
Q But you were only 4 years old? A Yes sir.
Q Do you mean to tell the Commissioner that you knew anything about those business transactions when you were 4 years old? A No sir, I don't know anything about that.
Q Then you are now testifying from what your mother told you what transpired at that time? A I don't know whether I am or not, I was at Vinita, I don't know as I remember it or would have remembered it if they hadn't told me.
Q What has been the information you have obtained from your mother?
A Yes sir.
Q You don't know if your alleged father contributed anything to your support except what your mother has said? A No sir.
Q He has not contributed any since the Strip payment? A No sir.
Q If he contributed any at all it was prior to that time? A Yes sir.
Q Did you ever know your alleged father? A Yes sir.

Q When did you first see him? A I suppose when I was first born.
Q Well I mean of course when did you first see him to know and to remember when you first remember seeing him? A About 5 years ago.
Q He has been dead longer than that? A I mean I was 5 years old.
Q You mean you were about 5 years of age when you first remember seeing him? A Yes sir.
Q Where was he? A He was in Vinita.
Q And were you there upon a visit? A No sir, I wasn't upon a visit, mother went there and I went with her.
Q Where were you living at that time, Bluejacket? A No sir, about four miles north of Afton.
Q Have you always lived in that vicinity? A I haven't always, I have most of the time though.
Q Where else have you lived except in the neighborhood of Afton and Bluejacket? A I have never lived any other place, I have visited my mother in Oklahoma quite often.
Q When did your mother first go to Oklahoma? A 12 years ago.
Q About the time of the Cherokee Strip payment? A Yes sir, just after the payment, I think.
Q Did she marry some one? A Yes sir.
Q Had she ever been married when you were born? A No sir.
Q About what age woman is your mother? A She is 36.
Q Now? A Yes sir.
Q Are you her first child? A Yes sir.
Q Where does she reside at present? A Cushing, Oklahoma.
Q About when did she marry. You said she went out there the year after the payment, now that was in 1894? A She was married just a little while after she went back to Oklahoma.
Q You went with your mother when she went out there? A Yes sir, I went out there and stayed a little while and then I come back and lived with my aunt.
Q What isher name? A Susie Henderson.
Q How long did you remain out there? A About two or three months.
Q Have you been to Oklahoma since? A Yes sir.
Q How long did you stay here when you come back to your aunts? A I stayed here two years then I went back again on a visit.
Q How long did you stay out there then? A Just a little while, ab about three months I think, then I come back, I have been visiting her off and on all the time.
Q Are you married? A Yes sir.
Q When were you married? A Last July the 11th.
Q 1906? A Yes sir.
Q Where were you married? A Cushing.
Q Oklahoma? A Yes sir.
Q How long had you known your husband before you married him? A About three months.
Q Got acquainted with him in Oklahoma? A Yes sir.
Q What is your present post office address? A Bluejacket.
Q How how long ~~either~~ have you been at Bluejacket? A I have been there all the time only just when I went out to see my mother, and that wasn,t only about a month or two at a time.
Q After you married where did you and your husband reside? A At Bluejacket.
Q How long after you were married did you come there? A Right after we were married.
Q And have you lived there continuously? A Yes sir.
Q And your mother has lived continuously in Oklahoma after she married, and that was in the fall or next spring after the Strip payment? A It was the next spring.
Q That would be the spring of 1896? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q What is your husband's name? A James Stowers.
Q Is he a citizen of the Cherokee nation? A No sir.
Q When your mother went to Oklahoma in 1894 did you go with her?
A Yes sir.
Q How long was it you stayed there at that time? A Two or three months.
Q Then you came back to the Cherokee Nation? A Yes sir.
Q With whom did you live when you came back the first time from Oklahoma? A Susie Henderson.
Q Whereabouts did you live? A In Afton.
Q Susie Henderson a Cherokee? A No sir, she is a white woman, an adopted citizen.
Q With whom did you live up until the time you were married? A With my Aunt Sue and Aunt Grace Slager and Mr. Gore.
Q Is that Mr. Johnathan Gore? A Yes sir.
Q Do you know where your father lived when he died? A He lived in Vinita but I don't know just what place.
Q Do you know the date of his death? A No sir.
Q Do you know where else he lived besides the Cherokee nation? A He didn't live anywhere I don't think, not that I know of.

BY MR. STARR:
Q When were you 18 years old? A Last November 28th.
Q Where has William P. Henderson lived as long as you can remember back of knowing him? A Vinita, Indian Territory.
Q What was your maiden name? A Bessie Henderson.
Q You would be on the 1896 roll as Bessie Henderson would you?
A Yes sir.

BY MR. HASTINGS:
Q When did your father die? A I can't remember, but I think it was about 9 years ago.
Q Do you know why your mother is not here today? A She is sick.
Q What is the matter with her? A Typhoid fever.
Q How long has she been sick? A About two weeks.

ON BEHALF OF THE COMMISSIONER:
Q Do you know whether your father was ever married before you were born? A No sir, I do not.
Q Was he married afterwards? A Yes sir.
Q What was his wife's name? A Eliza was her name, I don't know what her name was before.
Q Was she a white woman? A Yes sir, I think so, I am not sure though.
Q Do you know whether he was ever married more than one time?
A No sir, I don't.

The alleged father of the applicant cannot be identified on the 1880 Authenticated roll of citizens of the Cherokee nation. He is identified on the 1896 Census Roll page 479, No. 1414, as William Penn Henderson, age 57 years. Note "Husband of No. 227 White roll," also "This name does not appear on the 1880 roll, he thinks he must have been out of the nation at the time." No. 227 "White roll" is shown to be "Eliza Henderson, adopted white, 43 years of age." Note "Wife of No. 1414."

Q Did your father have some adopted children? A Yes sir, I think he did.
Q What was their names? A One was Lige, I don't know what the other ones names were.

Q Do you know how many there were? A I think there was two.
Q Did your father have a child named Bessie other than you? A No sir.

There are identified upon the 1896 roll of citizens of the Cherokee Nation, page 406 the names of the following persons: Delaware District.

No. 1340	Wm. P. Henderson.
No. 1341	Bessie Henderson.
No. 1342	Elijah Moore
No. 1343	John Moore.
No. 1344	Lee Moore.

A note appears opposite the enrollment of the last three mentioned children "Adopted children of Wm. P. Henderson." The amount of money paid to this family $1328.50, is shown to have been paid to W. P. Henderson.

Mr. Starr: The applicant moved that this case be continued in order to give her an opportunity to take the testimony of Mollie Robb, her mother, the said Mollie Robb has been sick two weeks with Typhoid fever and she requests that the case be continued to such a time as will enable her to secure the testimony of Mollie Robb, her mother.

Mr. Hastings: We have no objection.

On Behalf of the Commissioner: By agreement between Attorneys for applicant and the Cherokee Nation this case will be continued indefinitely and the Attorney for applicant is requested to advise this office when it will be convenient for the mother of the applicant to appear, and upon receipt of such advice he and the Attorney for the Cherokee Nation will be advised when the case will be set for hearing. The Attorney for applicant is also requested to present testimony to show whether or not the alleged father of the applicant was a recognized citizen of the Cherokee Nation.

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 25th day of July, 1906.

B. P. Ramsey
Notary Public.

Cher. D. 3207. 22

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To Mollie Robb, Cushing Oklahoma.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee *in the* Creek *Nation, Indian Territory, on the* 16th *day of* August *1906, to testify before said Commissioner in the matter of the* Cherokee Enrollment Case of Bessie Stowers, No. D. 3207

Dated at Muskogee *this* 3rd *day of* August *1906*

Commissioner.

Cher. D. 3207.

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To T. M. Buffington, and Johnson Falling, Vinita, Indian Territory.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee *in the* Creek *Nation, Indian Territory, on the* 16th *day of* August *190*6*, to testify before said Commissioner in the matter of the* Cherokee Enrollment Case of Bessie Stowers, No. D 3207

Dated at Muskogee *this* 3rd *day of* August *190*6.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 16, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of BESSIE STOWERS as a citizen by blood of the Cherokee Nation.

APPEARANCES:
per Applicant, J. C. Starr.
per Cherokee Nation, W. W. Hastings.

JAMES M. KEYS, being first duly sworn by John H. Tidwell, a Notary Public, testified as follows:

BY MR. STARR:
Q What is your name? A James M. Keys.
Q What is your age? A 63 years.
Q What isyour posteffice? A Pryor Creek.
Q What is your citizenship? A I am a Cherokee.
Q What degree of Cherokee blood? A 1/4.
Q How long have you lived in the Cherokee Nation? A All my life with the exception of the war period.
Q Were you acquainted with a man named William P. Henderson? A Yes sir.
Q Where did he live? A He lived in Delaware District when I first knew him.
Q What was his citizenship? A He was a Cherokee.
Q How long were you acquainted with him? A Since 1861.
Q Where has he lived since 1861 until his death, if he is now dead?
A Well I don't know where all he did live, he lived in Delaware and Goowesscoowee Districts since the war.
Q Did he ever hold any official position under the Cherokee Government?
A Yes sir.
Q What office did he hold? A He was Sheriff of Delaware District, I think, and Senator from there two or three times.
Q Did you ever hold any official position under the Cherokee Government? A Yes sir.
Q What were they? A I have held a number of official positions.
Q You might name them? A Well I was Senator from Goowesscoowee District, I was also solicitor of that District twice, and I was on the Supreme Bench of the Cherokee Nation six years.
Q Do you hold an official position at this time? A Yes sir.
Q What office is that? A I am Special Marshal for the Cherokee Nation to the Cherokee Attorneys.
Q Are you engaged in assisting in making a Cherokee roll at this time? A Yes, I am serving subpoenas and doing other things at this time.

ON BEHALF OF THE COMMISSIONER:
Q How much of the time did he live in Delaware and Goowesscoowee Districts? A I couldn't say how much of the time but in these two Districts principally since the war, he was out occasionally.
Q Was he always recognized as a Cherokee by blood? A Yes sir.
Q And a citizen of the Cherokee Nation? A Yes sir.

Q Do you think that his residence outside of the nation was of such a nature that would forfeit his citizenship? A I think not.
Q Did you ever miss him for more than a short period at a time?
A He would perhaps be gone some time. He was a sport, a gambler, in his young days right after war, but I never heard of him forfeiting his citizenship.

W I T N E S S E X C U S E D .

JOHNSON FOREMAN, being first duly sworn by John B. Tidwell, a Notary Public, testified as follows:

BY MR. STARR:
Q What is your name? A Johnson Foreman.
Q What is your age? A 51.
Q What is your postoffice? A Vinita.
Q What is your citizenship? A Cherokee.
Q By blood? A Yes sir.
Q What degree of Cherokee blood do you have? A Well I don't know just exactly, I am more Indian than I am white.
Q Are you a recognized citizen of the Cherokee nation? A Yes sir.
Q Were you acquainted with William P. Henderson during his lifetime? A Yes sir.
Q What was his citizenship? A Cherokee by blood.
Q When do you first become acquainted with him? A I think it was in about 1868 or '69.
Q Where was he living at that time? A On Russell Creek this side of Chetopa.
Q In the Cherokee nation? A Yes sir.
Q Where did he live after that until his death? A He lived in Delaware. He was a man that moved around a good deal. He first lived up in there toward Denmark before he lived on Russell Creek, but I didn't know him then, then he lived around there about Timber Hill east 7 or 8 miles.
Q Has he always been in the Cherokee nation since you became acquainted with him? A He was out down in Texas awhile and then in Joplin, I saw him there once.
Q Where was he living at the time of his death? A He was living in Vinita.
Q Has he ever held any official position under the Cherokee Government? A He was a Sheriff of Delaware District.
Q When was that? A I don't recollect just when it was, and it seems he licked us once for the Senate.
Q Did he own property in the Cherokee nation, a farm? A Yes sir, he owned a farm when he was living on Russell Creek, then he owned a farm around Vinita.
Q Has he always been recognized as a citizen of the Cherokee Nation?
A I never heard of his rights being disputed.

ON BEHALF OF THE COMMISSIONER:
Q [illegible] he was married before ever I saw him and him and his wife separated.
Q Did you know her name? A I think her name was Susie.
Q Do you know whether he has any children? A I think he has got a daughter living.
Q What is her name, do you know? A I don't know, I aint certain about that. It seems like he had a daughter married one of the Flints.
Q Do you think that is his child by his wife Susie? A I wouldn't swear that, only what I heard.
Q Do you know the applicant in this case, Bessie Stowers she is now?
A No sir.

BY MR. STARR:
Q Did you ever hear of the applicant, Bessie Stowers, or Bessie Henderson, being reputed as an illegitimate child of William P. Henderson? A I have heard something about it but never did see her.

Mr. Starr: The applicant offers in evidence a certified copy of the records of the United States Court at Vinita, being a certified copy of a certified copy of the Will of William P. Henderson.

On behalf of the Commissioner: This document appearing to be in due form will be filed.

By agreement between Attorneys for applicant and the Cherokee Nation, this case was here continued until September 20, 1906.

Geo. H. Lemley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H. Lemley

Subscribed and sworn to before me this 25th day of August, 1906.

B O Rasmus
Notary Public.

I, Albert Goldsby do solemnly swear that I am 18 years of age and that on the 27 day of August 1906, in the Oklahoma Territory, I served the within Subpœna on the within named Mollie Roff by then and there delivering a true copy of the same to said Mollie Roff less and mileage tendered her of $1.80 and Refused

Albert Goldsby constable

Subscribed and sworn to before me this 27 day of August 1906

John F. Foster
Notary Public

My Com Exp 8-26-1909

No. .....

SUBPOENA.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the .....

Cherokee D 3207,

22 COPY.

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To Mollie Robb, Cushing, Oklahoma.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on the 20 day of September 1904, to testify before said Commissioner in the matter of the Cherokee enrollment case of Bessie Stowers, No. D 3207

Dated at Muskogee this 16th day of August 1904.

SIGNED. Tams Bixby.
Commissioner.

C.F.B. Cherokee D 3207

COPY. DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bessie Henderson as a citizen by blood of the Cherokee Nation.

DECISION

THE RECORDS OF THIS OFFICE SHOW: That prior to December 1, 1905, application was received by the Commission to the Five Civilized Tribes for the enrollment of Bessie Henderson, now Bessie Stowers, as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, June 28 and August 16, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Bessie Henderson, is an illegitimate daughter of one William P. Henderson, deceased, who was a duly recognized citizen by blood of the Cherokee Nation, his name appearing upon the Cherokee Strip Payment roll of 1894, and the Cherokee census roll of 1896, and one Mollie Webb, a non citizen white woman. It is further shown that said applicant was born in the Cherokee Nation, and has continuously resided therein since birth, and that during the lifetime of said William P. Henderson she was recognized by him as his daughter. Said applicant is duly identified with her said father on the Cherokee Strip Payment roll of 1894.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Bessie Henderson is entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

(SIGNED) Tams Bixby.

Commissioner

Dated at Muskogee, Indian Territory,
this FEB 25 1907

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.
RECEIVED
FEB 25 1907

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bessie Henderson, or Stowers, as a citizen by blood of the Cherokee Nation.

Protest of the Cherokee Nation.

The representative of the Cherokee Nation cannot agree with the Commissioner to the Five Civilized Tribes that the applicant under the testimony is entitled to be enrolled as a citizen by blood of the Cherokee Nation:

First, because it is admitted that the applicant is an illegitimate child and her mother was a white woman, and there is no sufficient proof that William P. Henderson was her father.

Second, the name of William P. Henderson does not appear upon the 1880 authenticated roll of the Cherokee Nation.

Third, because the record shows that the mother of Bessie Henderson went to Oklahoma in 1894 and this applicant went with her and while she testifies that she only remained there a short time, there is not sufficient proof in the record to overcome the presumption that she has not continuously lived there with her mother since that time and was therefore a legal resident of the territory of Oklahoma since that time.

In an examination of the record there is not a line of testimony with reference to the paternity, residence or identity of the applicant, who admits that she was an illegitimate child, except the testimony of the applicant herself: there is no proof of the neighbors of the intimate relations between her mother and alleged father; there is no proof of the neighbors of a recognition by her alleged father; and there is no proof in the record of her residence in the Cherokee Nation, although there is proof that her mother has not resided in the Cherokee Nation since 1894, and although there is proof that the applicant herself married in Oklahoma where her mother resides and although there is proof that the applicant went out there with her mother.

This case was continued from time to time in order that the testimony

of the mother of the applicant might be secured, or that the testimony of other witnesses might be secured which would tend to corroborate the statements of the applicant, but we submitin no case should the applicant be enrolled, because she admits that her mother is a white woman, and she admits that she is an illegitimate child, and the testimony shows that ~~thexbirthWilliam~~ P. Henderson had a wife with whom he was living at the time of the birth of the applicant, and the testimony also shows that the name of her alleged father is not upon the 1880 authenticated roll of the Cherokee Nation, and finally the testimony shows that her mother has resided in the territory of Oklahoma since 1894, where the legal residence of the applicant has been.

Respectfully submitted,

Attorney for the Cherokee Nation.

Muskogee, I. T., Feb. 25,-1907.

The Commissioner

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee 107

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tahlequah, Indian Territory, October 22, 1903.

Johnathan Gore,

Bluejacket, Indian Territory.

Dear Sir:

At the time you made application for the enrollment of yourself and family as citizens of the Cherokee Nation, on July 11, 1900, at Fairland, I.T., you spoke of an orphan child living in your family, and for whom you desired to make application for enrollment.

You are requested to inform the Commission if an application was made for the enrollment of this child, also its name.

Respectfully,

T. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

MFM

INDEXED
NOV 4 1903

30928

Gore, Jonathan,
Oct. 30, 190[illegible],
Bluejacket, I.T.

Rel. to status of Bessie
Henderson.

OCT 31 REC.

Bluejacket I. T. Oct 30th 1903.

The Commissioner To the Five
Civilized Tribes.
Tahlequah I. T.
Cherokee (107)

Replying To
your Letter of the 22 Inst. In
reference To "Orphan Girls" living
in my family. for whom I
desired To make application for
enrollment: you are informed
that no application was made
for the enrollment for the Girl
above mentioned. For the reason
She was an illigitimate child.
her name is. "Bessie Henderson"
her Mother is a White Woman
and was not Married To (Wm.
Henderson) the Father of the

Said Bessie Henderson -
I am informed
that the said Bessie Henderson
is now living with her
Mother in Oklahoma -
I failed To learn her P.O.
address - I delayed my reply
To your letter - hoping to be able
To find little Bessie -
Very Respectfully
Jon Athus Gore

Not identified

-COPY-

BCJ

WJC

Tahlequah, Indian Territory, November 5, 1903.

Jonathan Gore,

Bluejacket, Indian Territory.

Dear Sir:-

The Commission is in receipt of your letter of October 30, in reply to its communication in regard to an orphan child formerly living with your family, the illegitimate child of William Henderson, a citizen of the Cherokee Nation and a white woman. You state that the child, Bessie Henderson, does not live with you, but is with her mother in Oklahoma.

Under a recent ruling of the Secretary of the Interior, illegitimate children of Cherokee men by white women have been enrolled. It is noted that you state that no application has ever been made for the enrollment of this child. You are requested to inform the Commission if she appears on the 1896 Census Roll under any name, as under a general application all persons whose names appeared on that roll on July 1, 1902, and for whom no application had been made at that time, were listed upon doubtful cards, and if Bessie Henderson was listed at that time, it is desired to know under what name, in order that further testimony may be taken to determine her right to enrollment.

Respectfully,

(Signed) C. R. Breckinridge.

Commissioner in Charge.

INDEXED

COMMISSION TO THE FIVE TRIBES.

No. 32777 | Received NOV 27 1903 | Answered | Book | Page

Gore, Jonathon,
Nov. 15, 1903,
Bluejacket, I.T.

Relative to status of
Bessie Henderson.

NOV 1[illegible] REC

Bluejacket. I. T. Nov 15 1903

The

Commission To the Five

Civilized Tribes.

Tahlequah I. T.

Gents.

Replying To your letter of the 5th Inst- In reference To one Bessie Henderson &c- requesting me To inform you if the said Bessie Henderson (Daughter) of one William Henderson a Citizen of the Cherokee Nation. Appears on the 1896. Census Roll. under any Name. In reply will I am unable To inform you. From my own

Personal knowledge.
In fact - I do not know
that her name appears
on any Roll.

I have been
informed - that her Father
had her name placed
on the Pay Roll of 1893.
Mrs Henderson informed
me Some time before
his death - that Bessie
Henderson was his
child - The cause of delay
in my reply To your
letter of the 5th inst - was
I was making inquiry for
information in this case
You will please write
Sam Slagle - of Blunjacket -

Whose Wife is a Sister
of the Mother of Bessie
Henderson.

Bessie -
lived with her Aunt -
Slagle - at one time -
and I suppose she
Could give you the
desired information
I am most -
Respectfully

Jonathan Gore

Muskogee, Indian Territory, November 27, 1905.

Bessie Stowers,

Bluejacket, Indian Territory.

Dear Madam:

This office is in receipt of your letter of November 2?, asking to be advised how soon it will be before you can file on your land, and whether or not any further proof is necessary with reference to your enrollment as a citizen of the Cherokee Nation.

In reply, you are advised that if any further evidence is required with reference to your alleged application for enrollment as a citizen by blood of the Cherokee Nation you will be duly advised thereof. You will be advised of any further action taken with reference to your claim for citizenship in the Cherokee Nation.

You are further advised that, under the rules of this office, no person is permitted to apply for land as his or her allotment in the Cherokee Nation until his or her name has been placed on a schedule of citizens by blood of the Cherokee Nation

and approved by the Secretary of the Interior.

Respectfully,

(for) Geo D Rossiter

LS

Acting Commissioner.

Cherokee Mgm 25.

COPY.

Muskogee, Indian Territory, June 9, 1906.

Bessie Stowers,

Bluejacket, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated June 9, 1906, ordering that your name be placed upon a Cherokee doubtful card, and the proper steps taken to determine your rights to enrollment as a citizen of the Cherokee Nation.

You are therefore hereby directed to appear before the offices of the Commissioner to the Five Civilized Tribes on Thursday, June 28, 1906, at 9 A. M., and introduce testimony to prove your rights for enrollment as a citizen by blood of the Cherokee Nation. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Encl. A-103.
M.A.

Register.

Tams Bixby,
Commissioner.

Cherokee Memo.25.

COPY

COPY.

Muskogee, Indian Territory, June 9, 1906.

J. J. Bulger,

Attorney for Bessie Stowers,

Baxter Springs, Kansas.

Dear Sir:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated June 9, 1906, ordering that the name of Bessie Stowers be placed upon a Cherokee doubtful card, and that proper steps be taken to determine her rights to enrollment as a citizen of the Cherokee Nation.

Said Bessie Stowers has this day been directed to appear before the offices of the Commissioner to the Five Civilized Tribes on Thursday, June 28, 1906, at nine o'clock A. M., and introduce testimony tending to prove her right to enrollment as a citizen by blood of the Cherokee Nation.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Tams Bixby.

Commissioner.

Incl. A-104
M.A.

Cherokee Memo.25.

COPY.

Muskogee, Indian Territory, June 9, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated June 9, 1906, ordering that the name of Bessie Stowers be placed upon a Cherokee doubtful card, and that proper steps be taken to determine her rights to enrollment as a citizen of the Cherokee Nation.

Said Bessie Stowers has this day been directed to appear before the offices of the Commissioner to the Five Civilized Tribes on Thursday, June 28, 1906, at nine o'clock A. M., and introduce testimony tending to prove her rights to enrollment as a citizen by blood of the Cherokee Nation.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Tams Bixby.
Commissioner.

Incl. A-105
M.A.

Muskogee, Indian Territory, June 19, 1906.

Starr & Patten,

Vinita, Indian Territory.

Gentlemen:

This office is in receipt of your letter of June 13, 1906, stating that you are in receipt of this office letter of June 9, 1906, to J. J. Bulger transmitting a copy of the Commissioner's order in the matter of the application for the enrollment of Bessie Stowers as a citizen of the Cherokee Nation. You request that you be entered as Attorneys for the applicant and be furnished a copy of the record not heretofore furnished the applicant or her representative.

In reply you are advised that on November 27, 1905, J. J. Bulger, Vinita, Indian Territory, was furnished a copy of the record of proceedings had in the matter of the application for the enrollment of Bessie Stowers as a citizen of the Cherokee Nation, and on June 9, 1906, there was forwarded to him at Baxter Springs, Kansas, a copy of the order of the Commissioner dated June 9, 1906, ordering that the name of Bessie Stowers be placed upon a Cherokee doubtful card, and that proper steps be taken to determine her right to enrollment as a citizen of the Cherokee Nation. Your request to be

Starr & Patton--2

furnished a copy of the record of proceedings cannot therefore be complied with.

You are advised that the case of Bessie Stevens has been set for hearing at the offices of the Commissioner on Thursday, June 28, 1906, at nine o'clock A. M.

As requested, you have been entered as Attorneys of record for the applicant.

Respectfully,

Commissioner.

GHL

Cherokee
D 3207

Muskogee, Indian Territory, July 26, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 28, 1906, in the matter of the application for the enrollment of Bessie Stowers as a citizen by blood of the Cherokee Nation.

Respectfully,

Commissioner.

Incl. GL-61.
GHL

Cherokee
D 2297

Muskogee, Indian Territory, July 26, 1906.

Starr & Patten,

Attorneys for Bessie Stowers,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 26, 1906, in the matter of the application for the enrollment of Bessie Stowers as a citizen by blood of the Cherokee Nation.

Respectfully,

Commissioner.

Incl. CL-60.
CHL

D.C. 32770

Vinita, I.T., August 1, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee I T

Dear Sir:

In re: Application for the enrollment of Bessie Stowers as a citizen by blood of the Cherokee Nation we beg to advise that the mother of Bessie Stowers who has been sick with Typhoid fever is now able to appear at the hearing and the case may now be set for trial at any time to suit your convenience.

The applicants witnesses are:

Mollie Robb (Mother of applicant) Cushing Okla.

James M. Keys, Pryor Creek, I T

T. M. Buffington, Vinita I T

Johnson Falling, Vinita I T

Please send us a subpoena for all of these witnesses except James M. Keys as it is a hard matter to get witnesses to attend. They will be summoned of course at the expense of the applicant. Mollie Robb will come if a subpoena is served on her but her husband refuses to allow her to make the trip but if we serve a subpoena on her he will get out of the way of making objections and she will attend. If you desire to set this case for August 9th it will be satisfactory to us provided we get immediate notice and receive the subpoena in time to serve it.

Yours truly,

Starr & Patten,

S.

Cherokee D. 3207

Muskogee, Indian Territory, August 4, 1906.

Starr & Patten,

Attorneys for Bessie Stowers,

Vinita, Indian Territory.

Gentlemen:

This office is in receipt of your letter of August 1, giving the names and addresses of the witnesses you propose to introduce in the Cherokee enrollment case of Bessie Stowers. You are advised that you will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes, in Muskogee, at nine A. M., on Thursday August 16, 1906, and introduce the testimony of the witnesses named by you. The Cherokee Nation will also be permitted to appear on that date and introduce, in rebuttal, such testimony as it desires in said case.

As requested there are enclosed herewith subpoenas for T. M. Buffington and Johnson Falling, Vinita, Indian Territory, and Mollie Robb, Cushing, Oklahoma.

Respectfully,

H.J.C.

Commissioner.

Cherokee D. 3207

Muskogee, Indian Territory, August 4, 1906.

Bessie Stowers,

Bluejacket, Indian Territory.

Dear Madam:

You are advised that this office is in receipt of a letter from your attorneys, Starr & Patton, Vinita, Indian Territory, dated August 1, 1906, giving a list of names and addresses of witnesses they propose to introduce in your Cherokee enrollment case. They have this day been advised that they would be permitted to appear before the offices of the Commissioner in Muskogee, at nine o'clock A. M., on Thursday, August 16, 1906, and introduce the testimony of the witnesses named by them. The Cherokee Nation will also be permitted to appear on that date and introduce, in rebuttal, such testimony as it desires in your case.

Respectfully,

H.J.C.

Commissioner.

Cherokee D. 3207

Muskogee, Indian Territory, August 4, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are advised that this office is in receipt of a letter from Starr & Patten, Vinita, Indian Territory, dated August 1, 1906, stating that they desire to introduce the testimony of the following witnesses in the Cherokee enrollment case of Bessie Stowers:

Mollie Robb (Mother of applicant) Cushing, Oklahoma.

James M. Keys, Pryor Creek, Indian Territory.

T. M. Buffington, Vinita, Indian Territory.

Johnson Falling, Vinita, Indian Territory.

You are advised that the applicant will be permitted to appear before the offices of the Commissioner in Muskogee, at nine o'clock A. M., on Thursday, August 16, 1906, and introduce the testimony of the above named witnesses, and the Cherokee Nation will also be permitted to appear on that date and introduce in rebuttal, such testimony as it desires in said case.

Respectfully,

M.J.C. Commissioner.

Cherokee
D 3207

Muskogee, Indian Territory, August 29, 1906.

J. C. Starr,

Attorney for Bessie Stowers,

Vinita, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territary, August 16, 1906, in the matter of the application for the enrollment of Bessie Stowers as a citizen by blood of the Cherokee nation.

Respectfully,

Encl. CL-77.
GHL

Acting Commissioner.

Cherokee
D 3307

Muskogee, Indian Territory, August 29, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, August 16, 1906, in the matter of the application for the enrollment of Bessie Stowers as a citizen by blood of the Cherokee Nation.

Respectfully,

Incl. GL-78.
GHL

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D 3207

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, Frbruary 26, 1907

Bessie Henderson,

Blue Jacket, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes dated February 25, 1907, granting your application for enrollment as a citizen by blood of the Cherokee Nation. A copy of said decision is also forwarded to your attorneys of record, Starr & Patten, Vinita, Indian Territory. They have heretofore been furnished a copy of the record of proceedings had in your case. The Attorney for the Cherokee Nation protests against the Commissioner's action granting your application for enrollment.

Said decision, together with the record of proceedings had in the case, has been this day transmitted to the Secretary of the Interior for review. You will be advised

Bessie Henderson-2

of the Secretary's action when this office is informed of the same.

Respectfully,

Encl. B-54

Commissioner

Cherokee
D 3207

Muskogee, Indian Territory, February 26, 1907

Starr & Patton,

Attorneys for Bessie Henderson.

Vinita, Indian Territory.

Gentlemen:

There is enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes dated February 25, 1907, granting the application for the enrollment of Bessie Henderson as a citizen by blood of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

You are advised the Attorney for the Cherokee Nation protests against the action of the Commissioner granting said application.

Said decision, together with the record of proceedings had in the case, and the Nation's protest filed February 25, 1907, has this day been forwarded to the

Starr & Patterson

Secretary of the Interior for review. You will be advised of the Secretary's action when this office is informed of the same.

Respectfully,

Encl. R-66

Commissioner

Muskogee, Indian Territory, February 26, 1907

The Honorable,

Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application of Bessie Henderson for enrollment as a citizen by blood of the Cherokee Nation, together with the Commissioner's decision dated February 25, 1907, granting said application.

The Attorney for the Cherokee Nation protests against the enrollment of this applicant as a citizen by blood of the Cherokee Nation, and his protest filed February 25, 1907, is enclosed.

There is also enclosed a schedule containing the name of this applicant, and in the event of the approval of the Commissioner's decision favorable to her, the approval of this schedule is recommended. It will be noted that no roll number has been given this person upon

Secretary,

this schedule. This action is taken in accordance with procedure reported by me to the Department on January 28, 1907, and approved by the Department in its telegram of February 9, 1907. If the Department approves my decision in this case, I recommend that a number be placed upon this schedule, in consecutive order, by Mr. Sykes, the employe of my office now in Washington.

Respectfully,

Commissioner

Through the Commissioner of Indian Affairs.

Encl. Sch.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFIARS,
WASHINGTON.

Land
21252-1907

March 2,1907.

COPY

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 26, 1907, enclosing record of proceedings in the matter of the application for the enrollment of Bessie Henderson as a citizen by blood of the Cherokee Nation; also a schedule containing the name of this applicant, to be approved, in the event that the Commissioner's decision favorable to the applicant be affirmed.

Attention is invited to the request of the Commissioner that Mr. McCarr, now of this city, be requested to place the proper number of this schedule, in the event of the approval of the schedule.

The Office has examined the decision in this case, and is of the opinion that it is correct, and it is recommended that it be affirmed and the schedule approved.

Very respectfully,

C. F. Larrabee

EWR-SD

Acting Commissioner.

D.C.14847 COPY Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON. SPECIAL. FOR.

I.T.D.7874-1907.

IRS DIRECT.

March 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation made in your letter of February 26, 1907, and Indian Office letter of March 2, 1907 (Land 21252-07), copy inclosed, your decision in the Cherokee enrollment case of Bessie Henderson,,now Bessie Stowers, in favor of the applicant, is approved, and the schedule submitted with your letter, bearing hername,has also been approved, as recommended. Said schedule will be disposed of in the usual manner.

The papers in the case have been sent to the Indian Office, with a copy hereof.

Respectfully,

(Signed) E. A. Hitchcock,
Secretary.

3 inc. and
dfor Ind. Of. with
copy hereof.

WeM 3-6-07

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee 5207

Muskogee, Indian Territory, March 28, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, granting the application for the enrollment of Jessie Henderson, Now Jessie Stowers, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Enc I-634

Commissioner.

EPT

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee p3207

Muskogee, Indian Territory, March 22, 1907.

Starr & Patten,

Attorneys for Bessie Stowers,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, granting the application for the enrollment of Bessie Henderson, now Bessie Stowers, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Enc I-4344

KPI

Commissioner.

Cherokee B
3207

Muskogee, Indian Territory, March 22, 1907.

Bessie Stewers,

Bluejacket, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, granting the application for your enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

RPI

Commissioner.

BLUE MACHINE

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Bessie Henderson,
Blue Jacket, Indian Territory.

Rec. 1100 5

T. L. Hagerty
Bluegrass Ind. T.

BLUEGRASS KY
OCT
10
1895
9 AM
IND T

Miss Bessie Stowers
Hotel Boston
Muskogee
I. T.

Cher 11003

Alice L. Owen

Trans. from R785

Cher 11003

DEPARTMENT OF AGRICULTURE
NOV 13 1900

Department of Indian Affairs.

Dawes Commission.

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 19 1900 1900.

Name Lynchburg, Va.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law

License Certificate

Wife's name Alice L. Owen

District COOWEESCOOWEE. Year 1894 Page 266 No. 3223

Citizen by blood Yes Readmitted 1896 Mother's citizenship

Intermarried citizen No.

Married under what law Date of marriage 1864

License Certificate

Names of Children:

2 Jane Owen Dist. COOWEESCOOWEE. Year 1894 Page 266 No. 3225 Age 35

3 Alice " Dist. " Year 1894 Page 266 No. 3224 Age 21

Dist. Year Page No. Age

Father Wm. C. Owen Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

1 Apl 1894 roll as Alice Owen Jr

2 " " " " " " "

3 " " " " Janey "

Cert. of admission to be furnished.

10 - 1085

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 27 1902

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., February 19, 1902.

In the matter of the application of Alice L. Owen for the enrollment of herself and children as citizens of the Cherokee Nation, D-826.

Applicant represented by Robert L. Owen, Muskogee, I.T.
Cherokee Nation represented by W. W. Hastings.

SUPPLEMENTAL TESTIMONY.

WILSON O. BRUTON, being duly sworn, testified before the Commission as follows:

Q What isyour name? A Wilson O. Bruton.
Q Where do you live? A Near Muldrow, in the Cherokee Nation.
Q Do you desire to make a statement relative to the enrollment of Alice L. Owen and her two children? A Yes, sir.
Q Proceed please. A Alice L. Owen is a half-sister of mine. I have had charge of her property since her readmission to Cherokee citizenship by the National Council of the Cherokee Nation. For several years her property consisted solely of personal property. In the year 1890 or 1889 my mother died; in 1890 my father died. The estate was divided and the old homestead place became hers. Her mother and my mother is buried on the homestead I suggested. I have had charge of that property for her ever since. I pay her every year the rents off of it. She is in Lynchburg, Virginia, but claims this homestead as her home as I understand it. She has been here several times since her readmission or at least more than once, I can't say how many times. I am not familiar with the dates of the birth of the children. I know their names, but I am not familiar with the dates of their birth.

MR.OWEN: What are the names of her daughters living with her? A Janie Owen and Alice Owen.
Q Do you know Charles Owen? A I do.
Q Do you know where he is living? A He is living at Caney in the Cherokee Nation, near Caney in the Cherokee Nation.
Q Do you know how long he has been living there? A No, sir, I think perhaps about a year.

MR.HASTINGS: Your sister is married of course? A She was married; she is a widow now.
Q You say at present residing at Lynchburg, Virginia? A Yes, sir.
Q Was this homestead ever divided or do you own it jointly yet? A It was divided.
Q And her share set apart? A Yes, sir. There was two or three farms, and we divided the personal property, and everything was divided. I have no interest in the homestead, nor has my other sister, there is only three of us in all.

COMMISSION: It is directed that copies of all the testimony had in the matter of the application of Alice L. Owen to be enrolled as a citizen of the Cherokee Nation be filed and made a part of the record in the case of Charles Owen and Owen Owen, whose names appear upon Cherokee Doubtful Card 851.

Arthur O. Cronin ger, being duly sworn, states that as stenog-

rapher to the Commission to the Five Civilized Tribes he reported in full the foregoing proceedings, and that the above is a true and complete transcript of his stenographic notes thereof.

Arthur McGranger

Subscribed and sworn to before me this 20th day of February, 1902.

Commissioner.

Supl.-C.D.#826.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1902.

SUPPLEMENTAL in the matter of the enrollment of ALICE L. OWEN, ET AL., as citizens of the Cherokee Nation:

Mr. Robert L. Owen was notified by registered letter February 19, 1902, that his application for the enrollment of Alice L. Owen, and her two children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902.

Mr. W. W. Hastings, Cherokee Representative, present.

The following entry appears upon page 81 of the docket of the Cherokee Commssion on Citizenship for the year 1880.

"Office Commission on Citizenship,
Tahlequah, C. N., January 26th, 1881.
Alice Owen and children, Robert Otway Owen, Jane Owen, William Owen, Charles Owen, Owen Owen, Alice Owen,
versus Petition for Citizenship.
Cherokee Nation.

The above case submitted by both parties Jany 27th, 1881. The above parties claim to be Cherokees by blood. Testimony shows that Alice Owen is a native born Cherokee and deseendant of the noted Chisholm family and was educated and partly raised in Virginia; married there and is the mother of the children mentioned in the petition, to-wit: Robert Otway Owen, Jane Owen, William Owen, Charles Owen, Owen Owen, and Alice Owen. The Commission, therefore, feels justified in making the decision in favor of the above named claimants, admitting them to all the rights and privileges of Cherokee citizenship by blood.

January 31, 1881.

Roach Young, President of the Com.
William Harnage
G. W. Mayes, Assistant Commissioners.

J. B. Mayes,
Clerk Commission."

Commisson: The said Robert L. Owen having this day, to-wit: the 11th day of March, 1902, been called and failing to respond it is considered that the case is completed, and the same will be reported to the Commission for final decision based upon the evidence now of record.

- -oooOOOooo---

I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the proceedings had in this above case on this day, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Rosson

D826

R
Gwen

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 18, 1902.

In the matter of the application of ALICE L. GWEN, for the enrollment of herself and children, JANE and ALICE GWEN, as citizens by blood of the Cherokee Nation:

Appearances:
Applicant present in person, and by Robt. L. Owen, Esq;
Cherokee Nation, by J. G. Starr.

Mr. Owen: The record already shows, I think, all the evidence that is necessary with regard to her descent.
The Commission: Yes sir.

MRS. ALICE L. GWEN, the applicant, being duly sworn and examined, testified as follows:

Examined by Robt. L. Owen:

Q Who was your mother ? A Jane Bruton, who was Jane Shinn.
Q Have you any kins people living in the Cherokee Nation now ?
A Yes sir.
Q Name them? A A brother, W. S. Bruton, of Muldrow, I. T; a half-sister, Mrs. J. W. Breedlove, and my aunt Mrs. Owen, and Mrs. Narcissa Owen; my cousin Robert L. Owen; my son William Owen; another son, Charles Owen, and others.
Q Have you any property in the Cherokee Nation ?
A Yes sir, my home and some cattle.
Q Well, where is your home located ?
A In Sequoyah District.
Q How did you acquire that property ?
A Through my mother. She had lived there, and the family burying ground is on the place.
Q Have you been receiving rents from that place ? A Yes sir.
Q For how many years ? A Ever since my mother's death.
Q When was that ? A I think it has been about twelve years. My only source of income is from this farm.
Q Where were you born ? A At old Fort Wayne, in the Cherokee Nation. I don't know exactly the point myself, but it was at old Fort Wayne, in the Cherokee Nation.
Q How many years did you live in the Cherokee Nation before you went East to be educated ? A Nearly sixteen years. Then I went to Virginia to go to school; and was married there.
Q Have you made visits back to the Cherokee Nation since ?
A Yes sir, frequently, every two or three years until since my mother's death.
Q What is your wish with regard to returning to the Cherokee Nation ? A It has been my wish always to live here, but during my husband's life time he was a physician and practiced medicine there, and I just couldn't seem. After his death it was impossible, with young children, whose educations were not finished, for me to seem, and it is only within the last two or three years that my youngest daughter has finished her education. She tried first to secure employment and here in the Female Seminary, but failed to do so. I was advised to come out here with a view to trying to do that: secure employment for her, but my means were so limited that I was unable to come on an uncertainty, consequently she found employment there, and teaches in the public schools. She teaches art in the public schools. It has always been my desire, and is yet, if circumstances will permit, to come back here to live.

I am alone with my only two daughters in Virginia, and it is impossible for me to leave them unprotected, and their work is there.
Q Have they means to establish themselves here now ?
A No sir, they are both working on salaries, and they cannot afford to give it up and come out here and wait on an uncertainty, to find employment.

Examined by J. G. Starr:

Q Where have you been living since 1881 ?
A In Virginia.
Q Are you living there now ? A Yes sir.

By the Commission:

Q Have you ever resided in the Indian Territory since that time, Mrs. Green ? A No sir, I have not resided here.
Q Have either of these daughters ever resided here since that time ? A One of my daughters lived out here for a while, and taught out here.
Q How long and when ? A At the Female Seminary at Tahlequah
Q In what year ? A It must have been in 1883 or '4.
Q Has she been out here since then ?
A No sir, she has not. She has been at work there.
Q What is your present post office address ?
A Lynchburg, Virginia.

E. G. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. G. Bagwell

Subscribed and sworn to before me this August 14, 1902.

H. B. Rouse
Notary Public.

Cherokee D-826.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of ALICE L. OWEN, JANE OWEN and ALICE OWEN as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on November 19,1900, Robert L. Owen appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of Alice L. Owen, Jane Owen and Alice Owen as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 19, 1902, March 11, 1902, and August 14, 1902.

The evidence shows that all the applicants herein were admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, on January 31, 1881.

It is further shown that, since the date of their admission to citizenship, they have resided continuously in the state of Virginia, up to and including the date of this application, and were not residents of the Cherokee Nation or Indian Territory on June 28, 1898.

Section twenty-one of the Act of Congress approved June 28, 1898,(30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship;"

It is, therefore, the opinion of this Commission that the application for the enrollment of Alice L. Owen, Jane Owen and Alice Owen as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 12 1902

10836

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 25 1902

ACTING CHAIRMAN

COMMISSIONERS.
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 19, 1902.

Mr. Robert L. Owen,

Muskogee, Indian Territory,

Sir:-

You are hereby notified that the application of Alice L., Jane and Alice Owen

for enrollment as citizen s of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the eleventh day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are required to supply the Commission with certificate of readmission to Cherokee citizenship.

Cherokee D-826
Register.

Yours truly,

Acting Chairman.

Commissioner in Charge.

Cherokee D 826.

COPY

Muskogee, Indian Territory, November 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Robert L. Owen for the enrollment of Alice L., Jane and Alice Owen as citizens by blood of the Cherokee Nation, including the Commission's decision, dated November 12, 1902, rejecting said application.

Respectfully,

Tibbey.

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enclosure H. No. 9.

COPY

Cherokee D 826.

Muskogee, Indian Territory, November 14, 1902.

Robert L. Owen,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of Alice L., Jane and Alice Owen as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated November 12, 1902, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Acting Chairman.

Register.

Enclosure H. No. 7.

COPY

Cherokee D 826.

Muskogee, Indian Territory, November 14, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 12, 1902, rejecting the application of Robert L. Owen for the enrollment of Alice L., Jane and Alice Owen as citizens by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Acting Chairman.

Enclosure K. No. 8.

COPY.

Refer in reply to
the following:
Land
69072-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, December 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed here with a report, dated November 14, 1902, from the Acting Chairman of the Commission forwarding the record relative to the application of Robert L. Owen for the enrollment of his aunt, Alice L. Owen, and her two children, Jane Owen and Alice Owen, as citi-ens by blood of the Cherokee Nation. The record in this case shows that these applicants were admitted to citizenship in the Cherokee Nation by the Cherokee authorities on January 31, 1881. It further shows that they have since the date of their admission to citizenship resided continuously in Virginia.

The applicants were not residents of the Cherokee Nation on June 28, 1898, and section 21 of the act approved on that date, generally known as the Curtis Act, declares that -

No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.

The applicants not being residents of the Indian Territory are not entitled to enrollment and it is respectfully recommended that the Commission's decision of November 12, 1902, rejecting them, be approved.

Very respectfully,
W. A. JONES,
Commissioner.

G.A.W.(B)

D.C.25323-1902. J.P.

DEPARTMENT OF THE INTERIOR. FHR.

I.T.D.7594-1902. Washington, December 16, 1902.
7595-1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application for enrollment of Alice L. Owen, Jane Owen and Alice Owen as citizens by blood of the Cherokee Nation.

It appears that the applicants were duly admitted to citizenship in said Nation on January 31, 1881; that since their admission they have resided continuously in the state of Virginia, up to and including the date of their application, and were not residing in the Cherokee Nation or Indian Territory on June 28, 1898.

As Section 21 of the act of June 28 provides that

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship,"

you rejected the application on November 12, 1902.

Reporting in the matter December 6, 1902, the Acting Commissioner of Indian Affairs recommends that your decision be concurred in.

On December 11, 1902, Robert L. Owen, of Muskogee, Indian Territory, filed in the Department an "appeal" in the matter.

Finding no reason to disturb your decision it is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee D-826

Muskogee, Indian Territory, January 7, 1903.

Robert L. Owen,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated November 18, 1902, rejecting your application for the enrollment of your aunt, Alice L. Owen, and her two daughters, Jane and Alice Owen, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 16, 1902.

Respectfully,

Acting Chairman.

Cherokee D-826

Muskogee, Indian Territory, January 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated November 12, 1902, rejecting the application of Robert L. Owen for the enrollment of his aunt, Alice L. Owen, and her two daughters, Jane and Alice Owen, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 16, 1902.

Respectfully,

Acting Chairman.

COPY.

DEPARTMENT OF JUSTICE

WASHINGTON.

B-E

February 18, 1907.

The Secretary of the Interior.

Sir:

I have the honor to submit my opinion in the matter of the Cherokee Enrollment Case of Alice L. Owen and her children recently transmitted to me by you, upon the request of the President.

It appears to me unnecessary to recapitulate the various aspects in which this case has been presented to your Department and other official bodies, since the material feature in the case is contained in the following provision of the Indian Appropriation Act, approved June 21, 1906 (34 Stat., 340):

> That the Commissioner to the Five Civilized Tribes is hereby authorized to add the names of . . . Alice Owen and her children, to the final roll of the citizens by blood of the Cherokee tribe, the said persons being . . . Cherokee Indians by blood, whose names, through neglect on their part or on the part of their parents, have been omitted from the tribal rolls: Provided, that the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribes, and shall be approved by the Secretary of the Interior.

It will be observed that the authority hereby conferred upon the Commissioner to the Five Civilized Tribes was subject to two conditions: he was empowered (which in this case is equiva-

lent to his being directed) to make the enrollment authorized, provided it should not be objected to by the Tribe and should be approved by the Secretary of the Interior. It appears that on July 7th the Commissioner wrote to the attorney for the Cherokee Nation, calling his attention to the foregoing provision of law, and notifying him that fifteen days would be allowed within which to file such protest as he might desire to make against the enrollment of the parties mentioned. On July 24th the attorney for the Cherokee Nation replied to this letter protesting against the enrollment of Alice L. Owen and her children "on behalf of the Cherokee Nation". No other action by the Nation, or any of its officers, has been taken in the premises, and it is therefore material to determine whether the objection thus made by the attorney can be considered an objection made by the Tribe under the terms of the Act of Congress.

I have examined the agreement between the attorney and the Tribe, which appears to have been executed on April 4, 1906, by the Principal Chief and the attorney, and do not think it confers upon the attorney authority to act for the Nation in a matter wherein positive action by the Nation itself is required by the express terms of an Act of Congress.

After various experiences extending during a period of some six years, and which had been preceded by an agitation of

the questions involved in the governing body of the Cherokee Nation for nearly twenty years, it had been finally decided that none of the parties mentioned in this Act were entitled to enrollment. In passing this special Act for their benefit, Congress therefore conferred on them, not as a matter of right but as a matter of favor, the privileges of Cherokee citizenship, and required as a condition the implied assent of the Cherokee Nation itself to this gratuity. I do not think the attorney was qualified or empowered to act for the nation in a matter of this kind, but that the objection required by the Act of Congress must have been made by the regularly constituted authorities of the Nation itself. I am informed that the tribal council was not re-elected at the expiration of the terms of its members and that it is, at least, extremely doubtful whether any officer or body is now in a position to make the objection on behalf of the Cherokee Nation required by the terms of this statute. It does not appear, however, that either Alice L. Owen or any of her children had any responsibility for this condition of affairs and their interests ought not, therefore, to suffer in consequence. It follows that the first condition mentioned in the Act of Congress, namely, that the Tribe shall not object, appears on the record to have been fulfilled in this case. There remains the second condition, namely, the approval of the Secretary of the Interior; with respect to this I am quite clear that it was the intention of the

Congress to lodge a special discretion as to the approval of this enrollment with the Secretary of the Interior. His approval is required in general to all acts of the Commissioner to the Five Civilized Tribes, and I do not construe the provisions of law above quoted as merely requiring this general and customary approval, but as obliging the Secretary of the Interior to determine for himself whether, as a matter of equity and public policy, the enrollment should take place. In this view of the matter, it would be under ordinary circumstances obviously inappropriate for me to express any opinion as to how this discretion should be exercised. I limit myself, therefore, to calling your attention to certain circumstances disclosed by the record, which appear to me material in connection with this question.

The children of Mrs. Owen were never, in my judgment, bona fide citizens of the Cherokee Nation. They were the offspring of a white man, a resident and presumably a citizen of Virginia, and appear to have always considered and demeaned themselves as citizens of that State; one of them, at least, even exercised the right of sufferage there. It does not appear that any of them ever removed to the Territory of the Cherokee Nation with the intention of making it their home, and, as they have in no respect shared the burdens or discharged the duties of Cherokee citizens, their enrollment as such would clearly be without

justification either in law or according to the principles of equity, if it were not for the special Act of Congress so, as aforesaid, passed for their benefit, and which can become effective only through your affirmative action in their favor.

The case of Alice L. Owen herself appears to be different. She is a Cherokee by blood, at least to some extent; was born within the Territory of the Nation, and spent her childhood there. There seems to be no good reason to doubt that, prior to her marriage, she was a Cherokee citizen. The Cherokee Constitution provides:

> That whenever any citizen shall remove with his effects out of the limit of this Nation and become a citizen of any other government, all his rights and priveleges as a citizen of this nation shall cease: Provided, nevertheless, that the National Council shall have power to readmit by law to all the rights of citizenship any such person or persons who may at any time desire to return to the Nation, on memorializing the National Council for such readmission.

While I think her marriage to a white man, departure from the Cherokee Territory and permanent residence in Virginia must be considered a relinquishment of her rights and priveleges as a citizen under the terms of this provision of the Constitution, I think it is also clear that she might have been re-admitted to citizenship by the governing body of the Nation. It is true that no such action was taken by the Council, but the Committee on Citizenship appears to have admitted, not only Mrs. Owen, but all her children "to all the rights and priveleges of Cherokee citizenship by blood" as long ago as January 31, 1881; and it is not

improbable that this action would have been confirmed by the National Council had such confirmation been deemed necessary.

Under all the circumstances, I think the enrollment of Mrs. Owen a matter fully and clearly within your discretion and that no such argument against it exists as can be found in the cases of her children.

I remain, Sir,

Respectfully,

Charles J. Bonaparte,

Attorney General.

COPY.

DEPARTMENT OF JUSTICE

WASHINGTON. B-E

February 18, 1907.

The Secretary of the Interior.

Sir:

I have the honor to submit my opinion in the matter of the Cherokee Enrollment Case of Alice L. Owen and her children recently transmitted to me by you, upon the request of the President.

It appears to me unnecessary to recapitulate the various aspects in which this case has been presented to your Department and other official bodies, since the material feature in the case is contained in the following provision of the Indian Appropriation Act, approved June 21, 1906 (34 Stat., 340):

> That the Commissioner to the Five Civilized Tribes is hereby authorized to add the names of . . . Alice Owen and her children, to the final roll of the citizens by blood of the Cherokee tribe, the said persons being . . . Cherokee Indians by blood, whose names, through neglect on their part or on the part of their parents, have been omitted from the tribal rolls: Provided, that the enrollment of said persons by the Commissioner to the Five Civilized Tribes shall not be objected to by the said tribes, and shall be approved by the Secretary of the Interior.

It will be observed that the authority hereby conferred upon the Commissioner to the Five Civilized Tribes was subject to two conditions: he was empowered (which in this case is equive-

lent to his being directed) to make the enrollment authorized, provided it should not be objected to by the Tribe and should be approved by the Secretary of the Interior. It appears that on July 7th the Commissioner wrote to the attorney for the Cherokee Nation, calling his attention to the foregoing provision of law, and notifying him that fifteen days would be allowed within which to file such protest as he might desire to make against the enrollment of the parties mentioned. On July 24th the attorney for the Cherokee Nation replied to this letter protesting against the enrollment of Alice L. Owen and her children "on behalf of the Cherokee Nation". No other action by the Nation, or any of its officers, has been taken in the premises, and it is therefore material to determine whether the objection thus made by the attorney can be considered an objection made by the Tribe under the terms of the Act of Congress.

I have examined the agreement between the attorney and the Tribe, which appears to have been executed on April 4, 1906, by the Principal Chief and the attorney, and do not think it confers upon the attorney authority to act for the Nation in a matter wherein positive action by the Nation itself is required by the express terms of an Act of Congress.

After various experiences extending during a period of some six years, and which had been preceded by an agitation of

the questions involved in the governing body of the Cherokee Nation for nearly twenty years, it had been finally decided that none of the parties mentioned in this Act were entitled to enrollment. In passing this special Act for their benefit, Congress therefore conferred on them, not as a matter of right but as a matter of favor, the priveleges of Cherokee citizenship, and required as a condition the implied assent of the Cherokee Nation itself to this gratuity. I do not think the attorney was qualified or empowered to act for the nation in a matter of this kind, but that the objection required by the Act of Congress must have been made by the regularly constituted authorities of the Nation itself. I am informed that the tribal council was not re-elected at the expiration of the terms of its members and that it is, at least, extremely doubtful whether any officer or body is now in a position to make the objection on behalf of the Cherokee Nation required by the terms of this statute. It does not appear, however, that either Alice L. Owen or any of her children had any responsibility for this condition of affairs and their interests ought not, therefore, to suffer in consequence. It follows that the first condition mentioned in the Act of Congress, namely, that the Tribe shall not object, appears on the record to have been fulfilled in this case. There remains the second condition, namely, the approval of the Secretary of the Interior; with respect to this I am quite clear that it was the intention of the

Congress to lodge a special discretion as to the approval of this enrollment with the Secretary of the Interior. His approval is required in general to all acts of the Commissioner to the Five Civilized Tribes, and I do not construe the provisions of law above quoted as merely requiring this general and customary approval, but as obliging the Secretary of the Interior to determine for himself whether, as a matter of equity and public policy, the enrollment should take place. In this view of the matter, it would be under ordinary circumstances obviously inappropriate for me to express any opinion as to how this discretion should be exercised. I limit myself, therefore, to calling your attention to certain circumstances disclosed by the record, which appear to me material in connection with this question.

The children of Mrs. Owen were never, in my judgment, bona fide citizens of the Cherokee Nation. They were the offspring of a white man, a resident and presumably a citizen of Virginia, and appear to have always considered and deemed themselves as citizens of that State; one of them, at least, even exercised the right of sufferage there. It does not appear that any of them ever removed to the Territory of the Cherokee Nation with the intention of making it their home, and, as they have in no respect shared the burdens or discharged the duties of Cherokee citizens, their enrollment as such would clearly be without

justification either in law or according to the principles of equity, if it were not for the special Act of Congress so, as aforesaid, passed for their benefit, and which can become effective only through your affirmative action in their favor.

The case of Alice L. Owen herself appears to be different. She is a Cherokee by blood, at least to some extent; was born within the Territory of the Nation, and spent her childhood there. There seems to be no good reason to doubt that, prior to her marriage, she was a Cherokee citizen. The Cherokee Constitution provides:

> That whenever any citizen shall remove with his effects out of the limit of this Nation and become a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease: Provided, nevertheless, that the National Council shall have power to readmit by law to all the rights of citizenship any such person or persons who may at any time desire to return to the Nation, on memorializing the National Council for such readmission.

While I think her marriage to a white man, departure from the Cherokee Territory and permanent residence in Virginia must be considered a relinquishment of her rights and privileges as a citizen under the terms of this provision of the Constitution, I think it is also clear that she might have been re-admitted to citizenship by the governing body of the Nation. It is true that no such action was taken by the Council, but the Committee on Citizenship appears to have admitted, not only Mrs. Owen, but all her children "to all the rights and privileges of Cherokee citizenship by blood" as long ago as January 31, 1881; and it is not

improbable that this action would have been confirmed by the National Council had such confirmation been deemed necessary.

Under all the circumstances, I think the enrollment of Mrs. Owen a matter fully and clearly within your discretion and that no such argument against it exists as can be found in the cases of her children.

I remain, Sir,

Respectfully,

Charles J. Bonaparte,

Attorney General.

G.R.

DEPARTMENT OF THE INTERIOR. LLB.

L.R.S. WASHINGTON.

I.T.D. 6212-1904
7274-1905
1104-1906
4308-1907

February 26, 1907.

Direct.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the suggestions contained in the opinion of the Attorney General of the United States of February 18, 1907 (.I.T.D.4308), a copy whereof is inclosed for your guidance, departmental decision of October 3, 1904, denying the application of Alice L. Owen for enrollment as a citizen by blood of the Cherokee Nation is hereby rescinded, and you are directed to enroll the said Alice L. Owen as a citizen by blood of the Cherokee Nation. You will notify applicant to that effect.

The Department adheres to its action heretofore taken, declining the application for the enrollment of her children as citizens by blood of the Cherokee Nation.

The consolidated record in the matter has this day been returned for the files of the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inc. and 50 to Ind.Of.
A.P.Mc
2-21-07.

G.R.

DEPARTMENT OF THE INTERIOR. LLB.

L.R.S. WASHINGTON.

I.T.D. 6212-1904
7274-1905
1104-1906
4308-1907

February 26, 1907.

Direct.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

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The Department adheres to its action heretofore taken, declining the application for the enrollment of her children as citizens by blood of the Cherokee Nation.

The consolidated record in the matter has this day been returned for the files of the Indian Office.

Respectfully,

Jesse K. Wilson,

Assistant Secretary.

1 inc. and 50 to Ind.Of.
A.F.Mc
2-21-07.

Cherokee R785

COPY

Muskogee, Indian Territory, March 22, 1907

Alice L. Owen,

Lynchburg, Virginia.

Dear Madam:

You are hereby advised that the application for your enrollment as a citizen by blood of the Cherokee Nation, was granted by the Secretary of the Interior, February 26, 1907.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Enc I-6290

MPI

Cherokee R786

COPY

Muskogee, Indian Territory, March 22, 1907.

Robert L. Owen,
Attorney for Alice L. Owen,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Alice L. Owen as a citizen by blood of the Cherokee Nation, was granted by the Secretary of the Interior, February 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Enc I-628
EPI

Cherokee R785

COPY

Muskogee, Indian Territory, March 22, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Alice L. Owen as a citizen by blood of the Cherokee Nation, was granted by the Secretary of the Interior February 26, 1907.

For yourinformation, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Wno I-627

MPI

Cher 11004

Frank B. Ridge

Trans. from R 708

Cher 11004

CHEROKEE CASE No. D-236

Department of the Interior.

COMMISSION TO THE FIVE CIVILIZED TRIBES

IN THE MATTER OF THE

APPLICATION FOR ENROLLMENT

OF

Frank K. Moore

Department of the Interior,

NOV 23 1907

1748

4 Encls.

As a citizen of the Cherokee Nation

Acting Chairman

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEC 12 1906

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 11, 1900.

In the matter of the application of Frank B. Ridge for the enrollment of himself as a Cherokee citizen; being sworn and examined by Commissioner Brockinridge he testifies as follows:

Q Give me your full name? A Frank B. Ridge
Q How old are you, A 28.
Q What is your post-office? A South-west City Missouri.
Q In what district do you live? A Delaware.
Q Who is it you want to enroll? A Myself.
Q No family? A No sir
Q Are you a Cherokee by blood? A Yes sir.
Q Have you lived in the Cherokee Nation all your life?
A No sir.
Q How long have you lived in the Cherokee Nation? A About 2 years altogether.
Q You have been living here some two years? A No; I came here in 1894 and lived here then for about two years, and then went to California and Alaska and about all over the west, ~~mining~~ mining, and came back here about a month ago; I was sick here and I left here and went to California.
Q When did you return again? A About a month ago.
Q You left in 1896 and staid until about a month ago?
A Just about a month.
Q You were born in the Cherokee Nation? A No sir, I was born in California
Q You hadnever been here until 1894? A I came here in 1894 just when I was of age
Q That is the first time you were ever here? A Yes sir.
Q Give me the name of your father? A Andrew J. Ridge.
Q Is he dead? A He died on the 17th of August of this year.
Q Where did he die? A He died in Berkley, California.
Q How long had he been out there? A He has been out there, I don't know how many years; he left here in 1894; he was back here three or four times; he removed to California just after the war.
Q Give me the name of your mother? A Helen C. Ridge.
Q Is she dead? A No sir, she is living
Q Where is she living? A She is visiting down in Texas.
Q Did she live with your father in California until the time of his death? A Yes sir, except when she was in the Nation; she was in the Nation here three or four years.
Q Are you on any of the rolls of the Cherokee Nation? A Yes, I got my certificate of admission in 1887 and then I was on the 1894 and 1896 register in Cooweescoowee in 1894; I have some property there.
Comr: The applicant presents an official copy of the records of the Cherokee Commission on citizenship, showing that on the 7th day of April 1887, among others admitted to citizenship as Cherokees by blood there appears the name of Frank B. Ridge, aged at that time 14.
Q That's your name is it? A Yes sir.
Comr: This is filed herewith, and is recognized as official evidence of his admission as stated.
1896 roll page 522 #2577 Frank B. Ridge, Delaware Dist native Cherokee, twenty-three years old;
Q What is the B in your name for? A Beatty
Q You drew your Cherokee Strip money didn't you? A No, I didn't draw it; I was sick at the time and my cousin Claude was to draw it for me
Q You wasn't on that roll there? A Yes I was on that roll, I didn't come until the last of 1894; I applied to Council for the

back claim; I have got a claim for it now, but I have never been paid it.
Q You came here in 1894 and staid for two years, and then went to California? A Yes; I went to California for my health; I couldn't live here; I was sick.
Q Did you have interests back here? A Yes sir, I have a lot now in Vinita and some property in Delaware District.
Q When did you acquire that property? A I acquired it that in 1895?
Q What property is it? A I have got the original deed here. (Produces papers)
Q This seems to be a deed for lands in Delaware in 1895? A Yes sir, from Ridge Pigeon.
Q Have you continued to hold that land ever since? A Yes sir
Q What business have you followed in California? A Mining; I have been to California, Alaska, Montana, Oregon, Washington, Idaho and New Mexico.
Q Have you staid long enough to vote in any of these localities? A No.

Com'r Brockinridge: The applicant is identified on the roll of 1896 as a native Cherokee; and is shown to have been admitted to citizenship in the Cherokee Nation by the Cherokee Commission in 1887; he first came to the Cherokee Nation in 1894; remained 2 years and thereafter was absent until one month ago, under the conditions set forth in detail in the testimony; for the further consideration of his case he will now be listed for enrollment as a Cherokee by blood upon a doubtful card, and the final decision of the Commission will be made known to him when reached, at his post-office address.

M.D.Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

M D Green

Subscribed and sworn to before me this December 12, 1900.

Commissioner.

2951

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 28 1902

ACTING CHAIRMAN

R.

C. D-936.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 13, 1902.

SUPPLEMENTAL PROCEEDINGS in the matter of the application of Frank B. Ridge for the enrollment of himself as a citizen of the Cherokee Nation.

The applicant was notified by registered letter February 28, 1902, that his application for the enrollment of himself as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, I. T., on the 13th day of March, 1902, and that on said date he might appear before the Commission, either in person or by attorney, when an opportunity would be given him to introduce any additional testimony affecting his application. The applicant having been called, this date, to-wit: the 13th day of March, 1902, and failing to respond, it is deemed that his case is completed, and same will be reported to the Commission for final decision based upon the evidence now of record.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

ION TO THE FIVE CIVILIZED BES
FILED
DEC 11 1900

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date ..... 1900.

Name .....

District DELAWARE. Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age
.....	Dist.	Year	Page	No.	Age

Cherokee D 936.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 11,1900, Frank B. Ridge appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of himself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 13,1902.

The records of the Cherokee Nation in possession of this Commission show that Frank B. Ridge was admitted to citizenship on April 7,1887 by the duly constituted authorities of said Nation. The said Frank B. Ridge is identified on the Cherokee census roll of 1896.

The evidence shows that the said Frank B. Ridge removed to the Cherokee Nation in 1884, and remained two years; that he then left said Nation, and did not return thereto or to Indian Territory until about one month next before the application herein.

Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats.,495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship".

It is, therefore, the opinion of this Commission that the application for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this 1902

E. E. STARR, Treasurer. S. W. MAYFIELD, Sec. of Treasurer.

TREASURY DEPARTMENT

CHEROKEE NATION, INDIAN TERRITORY.

Tahlequah, Oct 5th 1895

This to Certify that Frank B Ridge a citizen of The Cherokee Nation on this day came into the Cherokee Treasury Ten dollars for License to practice law in the Supreme and other Courts of The Cherokee Nation, Therefore Let is so enabled to practice in accordance with law

E. E. Starr
Treas. Cher. Nat.

Per. S. W. Mayfield Secty.

"I Frank B Ridge as solemnly swear, that I will, to the best of my knowledge and ability, support and defend all causes that may be intrusted to my care, and that in so doing, I will be true to the court and to the constitution and laws of the Cherokee Nation. So help me God." Signed Frank B Ridge

Subscribed & sworn to

Subscribed & sworn to before me this October 5th 1895.

Arch Spears
Clerk of Supreme Court
Cher. Nation.

TRANSCRIPT.

105.

Office of Commission on

Citizenship

Tahlequah, C.N. April 7th 1887.

Docket.	No.	Family Names.	Age.	Sex.	Attorney.
	1	Andrew J.Ridge,	52	Male,	Grass Valley, Cal.
	2	Darsie R. Ridge,	25	Male,	
104,	3	Frank B. Ridge,	14,	Male,	
					W.C.BOUDINOT
					Applicant for Citizenship,
					Census Rolls, 1835.
		Vs,			Ancestor, John Ridge.
		Cherokee Nation.			
		Filed, April.7.			

Now on this the 7th, day of April, 1887, comes the above named case for final hearing, and having made application pursuant to the provisions of an Act of the National Council of the Cherokee Nation, approved December 8th, 1886, and all the evidence being duly considered and to be sufficient and satisfactory to the commission, it is adjudged and determined by the commission that Andrew J. Ridge, Darsie R. Ridge, and Frank B. Ridge, are Cherokees by blood and are hereby readmitted to all the rights and privileges and immunities of Cherokees by blood.

And a certificate of said decision of the commission and readmission was made and furnished to said parties accordingly.

T.J.Adair, Chairman of commission.

Henry Eiffert,
Asst.ClerkCommission,

John E. Gunter, Commissioner

D.W.Lipe.

FILED
JUN 27 1904
COMMISSION TO FIVE TRIBES.

Executive Department,

Cherokee Nation,

Tahlequah, C.N. Dec.10,1900.

I, A.B.Cunningham, Assistant Executive Secretary of the Cherokee Nation, do hereby certify that the above and foregoing is a true and correct transcript of page 105, of the Citizenship Docket, for the year of 1887, Said Docket now being a part of the records of this office.

(SEAL)

(Signed) A. B. Cunningham.

Assistant Executive Secretary.

Edith Lewis, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and correct copy of the original.

Edith Lewis

Subscribed and sworn to before me this 27th day of June, 1904.

Chas. D. Lawrence

Notary Public.

FILED
JUN 27 1904
COMMISSION TO FIVE TRIBES

CHEROKEE NATION.

---oOo---

Deleware District--- ---October 17th, 1895.

Know ye, all men by these presents, THAT I Pigeon Wilson, of Deleware District, C.N. for and in consideration of Fifteen Dollars to me in hand paid by Frank Ridge, the receipt of which is hereby acknowledged have granted and bargained, sold and conveyed and by these presents do bargain sell and convey to the party above named, the place belonging to me on Dry Creek-known as the Dave Warren hollow;-BEGINNING at the mouth of the said hollow and extending eastward up the hollow to the spring known as the Dave Warren spring, and encluding the bench land on either side side--Said claim containing about four hundred acres (400) FOR which I warrant and defend all claims which might arise against said claim.

(SEAL) Pigeon Wilson

Witness:

R. L. Hendren

C. L. Washbourne

(Copy)

Edith Lewis, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and correct copy of the original.

Edith Lewis

Subscribed and sworn to before me this 27th day of June, 1904.

Chas. D. Lowrey
Notary Public.

Know all men by these Presents:

That I have made, constituted and appointed, and by these presents do make, constitute and appoint, Frank B. Ridge, of the Cherokee Nation, my true and lawful Attorney for me andin my name, place and stead, and for my use and benefit, to ask, demand, sue for, recover and receive all sums of money, debts and demands whatsoever, which are now due and owing, or which shall hereafter be come due, owing or demandable to me, and have, use and take all lawful ways and means in my name or otherwise for the recovery thereof, by any suits or actions at law necessary therefore, and to compromise and agree for the same, and acquittances or other sufficient discharges for the same, for me and in my name to make, seal and deliver, to receive legacies and bequests; to collect rents, dividends or annuities due or to grow due, to bargain, contract, agree for, purchase, receive and take lands, tennements and hereditaments, and accept the seizin and possession of all lands, and all deeds and other assurances in the law therefor, and to lease, let, demise, bargain, sell, remise, release, convey, mortgage and hypothecate lands, tennements and hereditaments, upon such terms and conditions, and under such covenants as he shall think fit. Also to bargain, and agree for, sell, mortgage, hypothecate and in any and every way and manner, deal in and with goods wares and merchandise, choses in action and other property in possession or in action, and to make do and transact all and every kind of business of whatever nature and kind soever, which I may have in the Cherokee Nation, and also for me andin my name and as my act and deed, to sign, seal and execute, deliver and acknowledge such deeds, covenants and all otherinstruments in writing of whatever kind and nature, Giving and Granting unto my said attorney full power and authority to do and perform all and every act and thing what-

whatsoever requsite and necessary to be done in and about the premises, as fully to all intents and purposes, as I might or could do if personally present, with full power of substitution and revocation, hereby ratifiing and confirming all that my said Attorney shall lawfully do or cause to be done by virtue hereof.

In Witness Whereof, I have hereunto set my hand and seal the 20th. day of August, 1895.

(Signed) A.J.Ridge, Seal.

State of California,)
)
County of Nevada.) ss.
)

On this, the 20th. day of August, 1895, before me, J.M. Thomas, a Notary Public for the County of Nevada and State of California, personally appeared A.J.Ridge, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand Official seal the day and year in this certificate first above written.

(SEAL)

(Signed.) J.M. Thomas,

Notary Public for Nevada County, California.

Edith Lewis, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original.

Edith Lewis

Subscribed and sworn to before me this 27th day of June 1904.

Charles O. Stevens
Notary Public.

To the Honorable the National Council:

Gentlemen:

The undersigned, your petitioner, would respectfully represent, that he is a Citizen of the Cherokee Nation by blood, that he was born in the old Cherokee Nation, now State of Georgia, and came to this country in 1837, while yet a child, with his father John Ridge, and lived on Honey Creek, in the Cherokee Nation until after the war. In the year 1871 he removed to California and from that time until this date he has from time to time returned to the Cherokee Nation.

In 1887, while the Commission on Citizenship was established, he came to the Cherokee Nation, and was duly readmitted to Citizenship by the Commission on Citizenship with the Hon. J.T. Adair as Chairman, and approved by D. W. Bushyhead, as principal Chief- The certificate of which duly authenticated is here presented.

In 1892 he registered for his per capita payment in Cooweescoowee District, but through a mistake his name was erroneously omitted from the Census Roll. Your petitioner would further represent that his children, with the exception of his son, Frank B. Ridge, were duly apid per capita money at the last payment. Your petitioner further represents that he now holds and has held since 1840 certain improved lands in Deleware District, namely the old John Ridge place on Honey Creek.

Your petitioner further states that he is entitled to per capita money, and that he respectfully presents herewith his account for the same.

Your petitioner is a son of John Ridge and a Grand son of Major Ridge, both of whom are well known Citizens and characters in the history of the Cherokee people.

To the accompanying testimony and papers your attention is earnestly directed.

Respectfully submitted.

Andrew J. Ridge.

Edith Lewis, being first du y sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and corr ct copy of the original.

Edith Lewis

Subscribed and sworn to beforeme this 27th day of June 1904.

Charles O Lamm
Notary Public.

To the Honorable The National Council.

Gentlemen:

The undersigned your petitioner would respectfully represent that he is a citizen of the Cherokee Nation by blood. That he was born in the state of California, and was admitted to citizenship in the Cherokee Nation in 1887 by the Commission on Citizenship with Hon. J. T. Adair as Chairman and approved by D. W. Bushyhead, Principal Chief- The certificate of which duly authenticated is here presented.

At the time your petitioner was admitted to Citizenship, he was a school boy attending school, where he continued until he came of age, a little over a year ago, He then came to the Cherokee Nation being then 21 years of age.

Your petitioner would further represent that his brothers and sisters were paid per capita money as Citizens of Deleware District; that your petitioner was enrolled in Cooweescoowee District, and that his name was erroneously omitted from the Pay Roll, at the time his brothers and sisters were paid, and being unknown to the Committee on the Rolls from Cooweescoowee, and not being present at the Council his name was stricken off. Your petitioner states further that he is entitled to per capita money, and that he respectfully presents herewith his account for the same.

Your petitioner is a son of Andrew J. Ridge, and a grand son of John Ridge, a well known former citizen of the Cherokee Nation of Honey Creek, Deleware District.

To the accompanying testimony and papers your attention is earnestly directed.

Respectfully submitted.

Frank B. Ridge.

Edith Lewis, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original.

Edith Lewis

Subscribed and sworn to before me this 27th day of June 1904.

Charles H Lamson
Notary Public

Cherokee Nation,)
)
Tahlequah District.)

Personally appeared before me, Clerk of the Town of Tahlequah, this day, William W. Buffington, of Vinita, C.N. who being first duly sworn, deposes:-

That he is personally acquainted with Andrew J. Ridge, and knowns that he is the identical person now having his per capita claim presented before the National Council.

That he, of his own knowledge, affirms that John Ridge, the father of the said Andrew J. Ridge, did hold in Deleware District, C.N. on Honey Creek, certain lands known as the John Ridge place, that the said lands have been in the continuous possession of the Ridge family, and that the said Andrew J. Ridge does now hold his inherited proportion of the said John Ridge place.

Wm. W. Buffington.

Sworn to and subscribed before me this November 18th. 1895.
C. S. Shelton,
Town Clerk Town of Tahlequah, C.N.

Town Seal.

Cherokee Nation)
)
Tahlequah District.)

Personally appeared before me, Clerk of the Town of Tahlequah, this day, Ridge Paschal, of Tahlequah, C.N. who being first duly sworn deposes:
That he is personally acquainted with Frank B. Ridge, and knows he is the identical person now presenting his claim before the National Council for per capita of Strip Payment of 1894.
That he is personally acquainted with Andrew J. Ridge, son of John Ridge, and of his own knowledge affirms that Frank B. Ridge is the true and lawful son of the said Andrew J. Ridge, and that the said Frank B. Ridge is a citizen of the C.N. and a licensed Attorney before the Cherokee Courts.
He further states that he is a first cousin of the said Andrew J. Ridge, and was well acquainted with both him and his wife before they were married.

Ridge Paschal.

Subscribed and sworn to before me, this November 19th, 1895.
C.S. Shelton.

Town Seal.
Town Clerk Town of Tahlequah, C.N.

Edith Lewis, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and correct copy of the original.

Edith Lewis

Subscribed and sworn to before me this 27th day of June 1904.

Charles H Sawyer
Notary Public.

FILED
JUN 27 1904
COMMISSION TO FIVE TRIBES.

Tahlequah, I. T. Nov. 16 1895.
This is to certify that the following named persons, to-wit:- Darsie J. Ridge, John R. Ridge, Jessie B. Nivens and Nannie N. Frick were enrolled as citizens on the pay roll of Deleware District, C. N., and were so paid by me, E. E. Starr, Treasurer of the Cherokee Nation, their per capita of the payment of 1894, Their names being now of record on the rolls of 1894, (Strip payment) of Deleware District, C.N.

E. E. Starr.
Treas. Cherokee Nation.

Cherokee Nation)
Tahlequah District.)

Personally appeared before me, Clerk of of the Town of Tahlequah, this day, Claude L. Washbourne, of Deleware District, C. N., who being duly sworn, deposes:- That he is personally acquainted with Andrew J. Ridge, and with his childrem Darsie Ridge, John R. Ridge, Jessie B. Nivens Nannie N. Frick and Frank B. Ridge.
That he, of his own knowledge, affirms that the said parties, to-wit:- Darsie Ridge, John R. Ridge, Jessie B. Nivens Nannie N. Frick and Frank B? Ridge are the true and legitimate children of the said Andrew J. Ridge.
He further states that Andrew J. Ridge is his uncle and that the said children of Andrew J. Ridge are his first cousins by blood.

C. L. Washbourne.

Subscribed and sworn to before me, this November 19th 1895.
C.S. Shelton

Town Seal.
Town Clerk Town of Tahlequah, C. N.

Edith Lewis, being first duly sworn, states that as stenographer to the Commission to the wive Civilized Tribes, she made the above and foregoing copy, and that the same is a true and correct copy of the original.

Edith Lewis

Subscribed and sworn to before me this 27th day of June 1904.

Charles D Lamar
Notary Public.

Department of the Interior,
RECEIVED,
SEP 1904
Enc. No. 7 of No. 21826
Indian Territory Division.

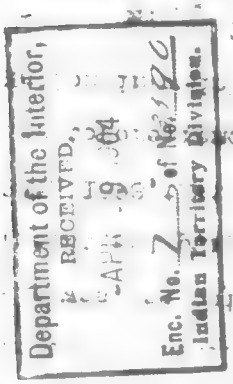
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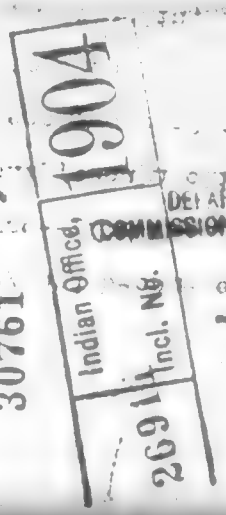
30761

Indian Office, 1904
Incl. No. 2691

COMMISSION TO THE FIVE CIVILIZED

FILED


Department of the Interior,
RECEIVED,
APR 9 1904
Enc. No. 2 of No. 27826
Indian Territory Division.


30761
Indian Office,
1904
Incl. No.
2691


Dm 229


FILED

DEPARTMENT OF THE INTERIOR.

IN THE MATTER OF THE APPLICATION OF FRANK B. RIDGE FOR THE ENROLLMENT OF HIMSELF AS A CITIZEN OF THE CEROKEE NATION .

----- BRIEF ON PART OF THE CHEROKEE NATION --

The testimony in this case shows that the applicant Frank B.Ridge was admitted to citizenship in the Cherokee Nation April 7th 1887; that he was then a resident of the state of California; that he came to the Cherokee Nation temporarily in 1894 and remained a short time; that he left the Cherokee Nation again during the year or prior to 1896 and returned about a month before his application was made December 11th 1900.

The Cherokee Nation contends that under section 21 of an act of congress a proved June 28th 1898 which provides;

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

That the applicant is not entitled to be enrolled as a citizen of the Cherokee Nation. We cannot see no parellel what ever between the present case and the Joseph B. Yeargain or the Martha Cobb Clark case, and reference is here made to the distinction called attention to by the Assistent Attorney General in the Mary L.Strickland case March 12th 1904(I.T.D. 934-1904) wherein the Assistant Attorney General held " Neither of these cases (Referring to Yeargain and Clark cases) is precedent for the present one as both Yeargain and Mrs. Clark were born and lived to mature age in the Cherokee Nation,and the question was whether the nationality and allegeance to which they were borned were

lost--whether they had become expatriated. The question here is the reverse--viz: Whether one not borned to Cherokee citizenship, though eligible by blood to such citizenship, had become one of the Cherokee Nation and thereby entitled to enrollment"

" Mrs Strickland never having been a member of the Nation, but being one of those Cherokees who had in the migrations become separated from the Nation, she was, as pointed out in the Yeargain case, with the intent and purpose of the provision in the act of June 28th 1898, that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The Strickland case is exactly parallel in every respect with the case under consideration: both were borned out side of the Cherokee Nation; both were re-admitted to citizenship; both came to the Cherokee Nation temporarily; both claimed to have acquired property in the Cherokee Nation; both left the Cherokee Nation in 1896 and neither of them returned except to make their application for enrollment to the Commission to the Five Civilized Tribes; Neither of them at the present time resided in the Cherokee Nation, and the post-office address of the present applicant is unknown as the returned letters to the Commission addressed to the applicant filed in this case verifies. Clearly if Mary L. Strickland is not entitled to enrollment neither is the applicant Frank B. Ridge.

Respectfully Submitted.

W. W. Hastings
atty for Cherokee Nation

DEPARTMENT OF CITY [illegible]
COMMISSIONER TO THE MOVE CIVIL [illegible]

FILED

DEC 11 1905

[illegible] Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., DECEMBER 7, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of FRANK B. RIDGE as a citizen by blood of the Cherokee Nation.

APPEARANCES:
For Applicant, F. P. Branson.
For Cherokee Nation, J. S. Davenport, on behalf of W. W. Hasting|

ON BEHALF OF THE COMMISSIONER TO MR. BRANSON:
Q Do you desire to represent the applicant, Frank B. Ridge? A Yes sir.
Q By whom were you employed? A By his mother.
Q What is her name? A Helen C. Ridge.

CLAUDE L. WASHBOURNE, being first duly sworn, testified as follows:

BY MR. BRANSON:
Q What is your name? A Claude L. Washbourne.
Q What is your post office? A South West City, Missouri.
Q Are you related to Frank B. Ridge? A Yes sir.
Q What is that relation? A First cousin.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
Q You are finally enrolled? A Yes.
Q Is Frank B. Ridge a Cherokee by blood? A He is.
Q Who is his father? A Andrew J. Ridge.
Q What was his mother's name? A Helen C. Ridge.
Q From which one of his parents did he derive his Cherokee blood?
A Through his father.
Q Where was Frank B. Ridge born? A I think he was born in California.
Q When did he first come to the Cherokee Nation? A I think it was in 1894, I believe 1894, '93 or '4.
Q How old was he at that time? A I would judge him to be about as near as I can remember about 20 or 21. Somewhere along there.
Q What was his purpose for coming to the Cherokee Nation at that time as expressed by himself? A His purpose of coming here was to select his land and locate here, to live here that is what he said when he came.
Q Was it his intention to make this his future home? A Yes sir that was his intention.
Q Was he a married man at that time? A No sir.
Q Has he ever been married? A No sir, unless he has married recently.
Q Did he have any profession or calling in life? A He had studied for the law and I think intended to practice law.

Mr. Branson: The applicant now offers in evidence to be marked Exhibit "A" and made a part of the record in this case, a certificate of admission to practice law in the Cherokee Nation dated at Tahlequah, Indian Territory, October 5, 1896, signed by T. B. Starr, Treasurer of the Cherokee Nation, and the oath also signed by Frank Ridge.

Mr. Davenport: The representative of the Cherokee Nation object to the introduction of that certificate ~~xx~~ first because it is irrelevant, incompetent and immaterial, and second because there is no law authorizing the Treasurer of the Cherokee Nation to admit a man to practice law in the Cherokee Nation.

ON BEHALF OF THE COMMISSIONER TO MR. BRANSON:
Q For what purpose is this certificate asked to be filed? A For the purpose of showing the consideration given applicant by the authorities of the Cherokee Nation and the recognition given him at the time he made application to practice law in that Nation. I t also tends to show applicant's intention at that time as manifested by his acts.

BY MR. BRANSON TO WITNESS:
Q ~~Examine~~ the certificate~~xxx~~ just offered in evidence, the signature of Frank B. Ridge signed thereto, I will ask you if you are acquainted with the hand writing of Frank B. Ridge? A Yes sir, I am.
Q Is that his hand writing? A I believe that would be Frank Ridge(s signature.
Q To the best of your information that is his signature is it?
A Yes sir.
Q To your recollection of his hand writing? A Yes sir.

On Behalf of the Commissioner: The certificate offered will be filed.

BY MR. BRANSON:
Q Did Frank B. Ridge own any property outside of the Cherokee Nation when he came here in 1894? A None that I ever knew of.
Q Was Frank B. Ridge readmitted to citizenship by the Cherokee National Authorities prior to the time of his removal here?

Mr. Davenport: I object to that as being an improper way to prove that, ifhe was there would be a record of it, which would be the best evidence.

Mr. Branson: Applicant admits that the objection is well taken and concedes that the record will show the fact desired to be established by the question.

On Behalf of the Commissioner: Objection will be noted.

BY MR. BRANSON:
Q How long did Frank B. Ridge remain in the Cherokee Nation at that time? A I don't remember anything about how long it was, but it was quite a good while though.
Q What was the condition of hishealth while here? A He was not in good health.
Q Did he leave here because of the condition of hishealth?

Mr. Davenport: I object to that, if he did he would have evidently been under some doctor's advise, and that would be the best testimony upon the line of the physical condition of the man.

On Behalf of the Commissioner: Objection noted.
A I don't think the climate exactly agreed with him and he went back west.

Q What was the disposition as to staying in any particular place of Frank B. Ridge? A His disposition wasn't to stay very long in any one place. He didn't stay very long in any one place while here he made my house mostly headquarters.
Q Did he purchase any property on the public domain of the Cherokee Nation while here? A Yes, he bought a little claim up there close to me.
Q Who did he buy that from? A I believe he bought it from a fellow named Pigeon.
Q Pigeon what? A Pigeon they called him, either Reed or Leech Pigeon went by both names.

Mr. Branson: Applicant now offers in evidence marked Exhibit "B" a bill of sale dated October 17, 1895, Cherokee Nation, Delaware District, conveying to Frank Ridge a certain tract of land, 400 acres, on the public domain of the Cherokee Nation as described therein, signed by Pigeon Wilson.

Q Is this Pigeon Wilson who signs this bill of sale the man to whom you refer? A Yes sir, the same man, I forgot about the Wilson part of his name, I have know him all my life, never knew that he any any Wilson to his name until since in later years I have found out, since his enrollment that he is called Pigeon Wilson.

On Behalf of the Commissioner: The paper offered in evidence is simply a copy of a bill of sale, and as it appears that a copy of the same bill of sale has already been made a part of the record in this case, the same cannot be filed.

Mr. Branson: Applicant submits that a copy of the same bill of sale is in the jacket but the record does not show that it has been filed in the case.

BY MR. BRANSON:
Q Did Frank B. Ridge make any improvements on the piece of ground in question in this bill of sale while here in 1895? A Yes sir, he built a house on it in 1895 or 1896 somewhere along there.
Q What did that house cost if you know? A I judge the house would cost somewhere about $75.00 or $80.00.
Q Do you know who furnished the lumber for building that house?
A I sold Ridge the lumber myself.
Q Was that house built on the land described in this bill of sale?

Mr. Davenport: I object to any reference of the bill of sale because as far as this witness is concerned he knows nothing about the bill of sale so far as his testimony shows.

On Behalf of the Commissioner? A Objection noted.

A It was.
Q Did Frank Ridge when he left here in 1896 continue to own this land? A Yes sir, he continued to own it, never did dispose of it to my knowledge.
Q He claimed that piece of land in September 1, 1902?

Mr. Davenport: I object to that question because it is leading.

On Behalf of the Commissioner: Objection noted.

A I think he still claims the property, well I know that he did.
Q Did Frank Ridge purchase any other property in the Cherokee Nation while he was here in 1895 or 1896? A He purchased some property a little claim from a Cherokee fellow named Chiselesles Vann, but I don't just remember when it was, what year it was or just when he did buy it. I remember when he bought the place I told him that was a better piece than the one he got from Pigeon.

Q Do you know what he paid for that? A No sir, I don't.
Q Did he continue to hold that up to and including September 1, 1902?
A He never disposed of it to my knowledge. I am satisfied he never did dispose of it to any one.
Q After Frank Ridge left the Cherokee Nation in 1896 when did he return thereto, if he returned at all? A Well, I can't just remember when he did return. He returned along in 1900 or 1901, somewhere along there, I don't remember just when it was.
Q Did he take charge of this property he had left in the Cherokee Nation at the time of his return in 1900 or 1901? A I think he went over there to where this place was with the intention of doing some work over there, but what he did I don't know.
Q Did he have any other kind of property other than farms in the Nation? A I believe at one time he owned a lot in Vinita.
Q Do you know when he bought that? A No sir, I don't, sometime during his first trip out here though.
Q How long did he keep that? A I couldn't say as to that but I think the last time that he was out here he made some kind of a trade on the property.
Q Did he continue to own that from the time he purchased it until he came back again in 1900? A I would not be able to say positively but I think he did.
Q What disposition did he make of the property if you know? A Well I don't know anything about it positively, only just from heresay. I think he either mortgaged it or sold it the last time he was here, the interest he had in it.
Q Do you know how much he mortgaged it for or sold it? A No sir, I don't know anything about it. Don't know what he gave for it, anything about the transaction at all.
Q Did he express any intention when he came back here in 1900 as to his future residence? A Well he just remakred,"I have come back to stay."

Mr. Davenport: I object, his actions will evidently show his intentions.

On Behalf of the Commissioner: Objection noted.

Q How long did he stay here? A Well I have very little idea how long he did stay. He was here quite a little while, I haven't much idea, two or three or four months, something like that.
Q Where did he go when he left here at that time? A Well he went to Texas the first I knew of him being out of the country.
Q Did he leave any of his wearing apparel in the Nation? A He left a trunk at my house and some of his clothes there and had them shipped to him.
Q Has Frank Ridge ever had any home any place he called him except the Cherokee Nation, since he first came to the Cherokee Nation in 1894? A Not that I know of.
Q Where is he, where are you informed that he is now? A In the Philippine Islands now, in the U. S. Army.
Q Do you know how long he has been in the services of the U. S. Army? A No sir, I don't. We all kind of lost track of the boy for a year or two, and the first thing I heard of him he turned up in the army over there in the Philippine Islands. We got that in letters passing between the family.

BY MR. DAVENPORT:
Q Frank was born in California, wasn't he? A Yes sir.
Q And lived there until about 1894 that was the first time he ever came to the Cherokee Nation? A The first time that I have any knowledge of.
Q That was about the time of the Cherokee Strip Payment? A Yes sir.

Q He didn't get on the Cherokee Strip Payment and draw Strip money did he? A No sir, he didn't.
Q Then he stayed here until somethme in 1896 then where did he go, o or did he tell you where he was going? A No sir.
Q Did you ever hear from him by letter after he left here? A Yes sir, two or three letters.
Q Did he go back to California A I am not positive but I think he did.
Q His mother was living in California at that time? A Yes sir.
Q He wasunder age at that time was he not? A I don't believe he was, he was about 20 or 21 when he came out here.
Q Do you know where he enlisted in the army from what state? A No sir, I was going on to say he only stayed there in California a short time, then went out to Wyoming and Nevada and he went to Alaska also.
Q Who kept the place he bought from this Pigeon Wilson? A The place wasoccupied only a short time to the best of my knowledge and I think a fellow named Morrison.
Q About 400 acres of land, all that lay out? A I think they fenced a lot of this land, a fellow named Herndon built this house and agreed to take a lease on the land.
Q Were you present when he and Herndon made the contract? A No sir, but I heard of that, heard them parties talk about it.
Q You know that Herndon lived on the place? A No sir, he never did
Q Who did live on the place? A Of course I couldn't describe that without going into details.
Q You know who lived there don't you? A A fellow named Morrison.
Q Did Morrison cultivate the farm during the years he was absent?
A He wasn't much on work.
Q How much cultivated land? A About 6 or 8 acres.
Q And the fence was down on that all the time? A I think he kept the fence up, I think he had a little connahaney patch there.
Q What became of that place? A I don't know.
Q You don't know whether Ridge sold it or just abandoned it? A I know he didn't sell it. The house got burned down.
Q What year? A It was while Ridge was out here the last time, I think, to the best of my recollection, I paid no attention to it but I think it was in the winter of 1901 or 1902, that is as near as I can remember it, it may have been later than that.

ON BEHALF OF THE COMMISSIONER:
Q Do you know when Frank B. Ridge first joined the army? A No sir, I don't.
Q Do you know for what length of time he enlisted? A No sir.
Q Do you know whether he has enlisted more than one time? A No sir
Q Do you know where he was living when he enlisted? A No sir.
Q Do you know that he wasn't living in the Cherokee Nation when he enlisted? A I am almost certain that he wasn't in the Cherokee Nation at the time he enlisted, still he may have been.
Q Was the improvements on the public domain of the Cherokee Nation ~~property found~~ to have been conveyed by Pigeon Wilson to Frank B. Ridge an improvements including land under what is known as th quarter mile law in the Cherokee Nation? A Yes sir, that is what it included.
Q The improvement was only 6 or 8 acres in cultivation? A Yes sir
Q And it was a quarter of a mile lxxx around it? A Yes sir, under the old Cherokee law.
Q How much of that was under fence? A I couldn't say, how much Ridge did fence, I don't think I was ever there at the place but once and that was a short time after he got the house completed, but he was over there and supposed to be at work over there, but what he did, I don't know. He was over there several different times, it was about 6 miles from my house over there, and I let him have a wagon and team and hand to go over there but what they did I don't know.

Q Was there more than that 6 or 8 acres fenced, or was there a large patch of land fenced? A I don't think there was much land fenced.
Q Do you know what the place was used for, a small farm, or stock farm or what? A It really wasn't never used for anything only this fellow Morrison lived there.
Q How long did he live there? A 3 or 4 months, probably longer, must have been because he raised a patch there.
Q What sort of house was it? A It was a box house with a shed room to it, pretty good house.
Q What would you approximate the cost of it to be? A At that time the house would have cost about $75 or $80, cost a good deal more money then than now.
Q After Morrison left the place what became of it, was it abandoned?
A Bell Ridge wasn't here and no one lived there to my knowledge.
Q Theplace was simply abandoned then was it, no one controlled it?
A Well I don't know, there was no one had any control of it that I know of, they may have been other parties lived in the house.
Q Do you know who has allotted the land? A No sir, I don't.
Q Do you know whether it has been allotted? A I am almost certain it has been allotted, but I don't know who it has been allotted to.
Q Do you know in what section, township and range it is located?
A Well it is in Township 21 and Range 23 I think, I would judge it to be somewhere in the southeast corner of that township.
Q Can you locate the section it is in? A No sir, I could do it if I had a plat.
Q How long after he left here was it before he sent back for his trunk, that he left at your house? A He had been away from my place a month I expect. He came backwards and forwards, he would come up home and stay two or three days and then gone again.
Q Where did you send the trunk to him? A To Vinita.
Q Then he left his trunk at your house and you sent it to him at Vinita? A I didn't exactly send it myself, he wrote to some of the boys there in Vinita and they come out and got it.
Q What is your information as to his having exercised the right of suffrage in any other State or Territory bed des the Cherokee Nation? A I don't think he did.

BY MR. DAVENPORT:
Q You don't know anything about that of your own knowledge? A No sir.
Q Were you living at South West City when he came out here? A Not the first time but the last time I was.

BY MR. BRANSON:
Q This other property you spoke of, the place he purchased up close to you, he did some work on that the last time he was out here?
A Yes sir, he did quite a lot of jobbing.
Q How much land was embraced in that place? A Only about 80 acres.
Q Was that agricultural land? A Yes sir.
Q Was it in cultivation? A A little patch of land was, 3 or 4 acres, 5 or 6 or something.
Q And the town lot of which you spoke, he continued to own that did he not? A I don't know much about that town lot as I said awhile ago. To the best of my recollection he and his mother bought the town together and I think he sold what interest he had in it the last time he was out here or soon after he left here. That is my recollection of it.
Q What was your understanding from his intention the last time you saw him.
Mr. Davenport: I object to that because a man's expression could not in any way regulate his actions and would be be admissible anywhere.

On Behalf of the Commissioner: Objection noted.

A He expressed himself as I said awhile ago that he came back here t to stay. He said he well I have come back this time to stay, we didn't know he was here until he came in the house, and I talked with him about it and I asked him why he didn't settle down and go to work and he said he didn't have anythin to go to work with.

BY MR. DAVENPORT:
Q What became of this place up there close to you, you have spoken of? A It is still there, it has been allotted though now.
Q Did Ridge get any rent for it? A Not that I know of.
Q Any benefit from it in the way of income? A No sir, I don't thin he got any benefit in any way at all, I know he didn't.

ON BEHALF OF THE COMMISSIONER:
Q Was that the trip he made to the Cherokee Nation just prior to the time he made application for enrollment, he came to your house the last time? A I don t know when he made application.
Q In 1900?A A Well it was about that time.
Q Do you know how long prior to that time it was he acquired the 80 acre tract you spoke of? A He acquired this 80 acres right away after he came back.
Q That was the time he came back in 1900? A Yes sir, just a few days.
Q Prior to that time had he owned or controlled any property in the Cherokee Nation besides with right he had in the place claimed to have been purchased from Pigeon Wilson? A No sir, not that I know of outside of this lot in Vinita.
Q What was ever done with that lot? A He disposed of it about the time he was here the last time or after he left here.
Q Do you know how long he has owned it? A I think he contracted for the lot when he was out here the first time.
Q That was in 1895? A Yes sir, sometime while here at that time.

BY MR. BRANSON:
Q Are you in a position by virtue of your relation to Frank Ridge to know as much about his business in the Cherokee Nation as any other person in the Nation? A Why yes I would think I was.

By agreement between Attorney for applicant and Attorney for Cherokee nation this case will be continued until December 21, 1905, at nine o'clock A. M. in order that the Cherokee Nation may have an opportunity to introduce such testimony as it desires in rebuttal.

----------oOo----------

George H. Lessby, being first duly sworn, states that as stenographer to the Commissioner to that Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessby

Subscribed and sworn to before me this 11th day of December, 1905.

My Commission...

Notary Public.

R-708

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

JAN 9 1906

COMMISSIONER

Cherokee F-708.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., DECEMBER 21, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of FRANK B. RIDGE as a citizen by blood of the Cherokee Nation.

The hearing of this case was continued from December 7, 1905, to this date at which time Attorney for the Cherokee Nation and Attorney for applicant announce that they have no further testimony to introduce, the case will be closed and a decision rendered on the evidence heretofore introduced.

----------oOo----------

Geo. H. Lesaley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lesaley.

Subscribed and sworn to before me this 9th day of January, 1906.

Seal

B. F. Pacmus.
Notary Public.

CHB

COPY

Cherokee R 708

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That, at Tahlequah, Indian Territory, on December 1, 1900, Frank B. Ridge appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 13, 1902.

The records further show that on July 29, 1902, the Commission to the Five Civilized Tribes rendered its decision herein denying said applicant the right to enrollment as a citizen by blood of the Cherokee Nation, and on August 29, 1902, said decision was duly affirmed by the Department. Thereafter, on May 6, 1904 (I.T.D. 4965-1902, 3590-1904), on request of the Commission to the Five Civilized Tribes, the Department rescinded its decision affirming the decision of the Commission to the Five Civilized Tribes of July 29, 1902, and remanded said case for further hearing and readjudication. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, December 7 and December 21, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Frank B. Ridge, is a Cherokee by blood, that he was born in the state of California, and on April 7, 1887, was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation, and removed to said Nation in 1894; that after removing to the Cherokee Nation in 1894 he continued to reside therein for about two years, when he left said Nation, and has since continuously resided outside the domain of the Five Civilized Tribes.

The evidence further shows that when said applicant left the Cherokee Nation he owned some improvements therein, but fails

to show that during his absence from said Nation he has exercised any control over said property, or that he now claims or possesses any property in the Cherokee Nation.

Paragraph nine, section twenty-one, of the Act of Congress approved June 28, 1898 (30 Stat., 495), provides:

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship: ....."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the cases of Mary L. Strickland et al.(I.T.D. 18216-1905), Nellie Walker Litton et al.(I.T.D. 18258, 18212-1905), Hubert Henry et al.(I.T.D. 10072, 18218-1905) and Dock Davis et al.(I.T.D. 10726, 18214-1905), under the provisions of paragraph nine, section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Frank B. Ridge is not entitled to enrollment as a citizen by blood of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

Commissioner

Dated at Muskogee, Indian Territory
this FEB 20 1906

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.
RECEIVED
JAN 15 1907

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation, Cherokee R 708.

Brief on Behalf of the Cherokee Nation.

The record in this case shows that Frank B. Ridge appeared before the Commission to the Five Civilized Tribes at Tahlequah on December 11, 1900, and made application to be enrolled as a citizen by blood of the Cherokee Nation. He was born in the State of California; he was admitted to citizenship April 7, 1887, and the testimony shows that he came to the Cherokee Nation for the first time in about 1894, and remained in the Cherokee Nation for about two years, leaving there in 1896. He has been twice rejected: once before the Commission to the Five Civilized Tribes, on July 29, 1902, and under section 21 of the Act of Congress approved June 28, 1898, which provides:

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

Upon the case being remanded he was again rejected by the Commissioner to the Five Civilized Tribes February 20, 1906, under the same paragraph of section 21 of the Act of Congress hereinabove quoted.

It is claimed on behalf of applicant that he purchased some public domain; in other words, the right to occupy lands out on the public domain of the Cherokee Nation, and that he erected a small house and had a small patch of land inclosed, and the testimony of his cousin, Claude L. Washbourne, is to the effect that Frank B. Ridge had this occupied by a man by the name of Morrison for some two or three months, and that thereafter it remained unoccupied and was finally burned. This improvement would be wholly insufficient to retain the citizenship of the said Frank B. Ridge in the Cherokee Nation, because Section 761 of the Compiled Laws of the Cherokee Nation (See Compilation of 1892), provides:

"Section 761. All improvements which may be left unoccupied by any person or persons, citizens of this Nation, and such person or persons

remove to another place, leaving no person or tenant on their former place for the term of one year such place or improvements shall be considered abandoned and revert to the Nation as common property."

If, as the testimony tends to show, Frank B. Ridge started to make any improvements in 1896, and if they were occupied by Morrison for some two or three months and if they were then vacated, as the testimony clearly shows, and were never reoccupied, then under Section 761, these improvements were considered abandoned and reverted to the Cherokee Nation as common property. In other words, it became public domain and this same provision of the Cherokee law permits any other person to take possession of them and make improvements there. The testimony seems to show that this land was taken up by others and was allotted by other citizens of the Cherokee Nation.Clearly, from the testimony Frank B. Ridge was not a resident of the Cherokee Nation in 1898 and had no improvements upon the public domain, because those he had held prior to that time had been abandoned and the decision of the Commissioner to the Five Civilized Tribes is therefore correct and should be sustained.

I desire to call attention to the fact that there is no testimony which shows that Frank . Ridge joined the Army from the Cherokee Nation, nor is there any testimony which shows that he joined the Army prior to September 1, 1902, but upon the other hand he joined the Army from California and it cannot be contended therefore in his behalf that he was in the service of the United States from the Cherokee Nation on September 1, 1902, and if on June 28, 1898, he was a resident of the State of California and had lost his citizenshi in the Cherokee Nation, and i f he joined the Army from that State, then the fact that he was in the Army would not avail him anything for his claim to citizenship in the Cherokee Nation. This case is exactly parallel to the Mary L. Strickland case, Cherokee R 845, finally rejected by the Department of the Interior: both were born outside of the Cherokee Nation; both were readmitted to citizenship; both came to the Cherokee Nation temporarily; both claim to have acquired property in the Cherokee Nation; both left the Cherokee Nation in 1896, and neither of them returned, except to make their application

for enrollment to the Commission to the Five Civilized Tribes; neither of them at the time of the decision in their respective cases resided in the Cherokee Nation, and we submit that clearly if Mary L. Strickland was not entitled to enrollment neither is the applicant, Frank B. Ridge.

Respectfully submitted,

Signed W. W. Hastings

Attorney for the Cherokee Nation.

Muskogee, I. T., January 14, 1907.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 15 1902

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
ALDEN L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 25, 1902.

Mr. Frank B. Ridge,

Southwest City, Missouri,

Sir:-

You are hereby notified that the application of yourself

for enrollment as citizen of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on

the 13 day of March, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

You are requiredto supply the Commission with your certificate of readmission to Cherokee citizenship.

CherokeeD-936
Register.

Yours truly,

Acting Chairman.

Commissioner in Charge.

Cherokee D 936.

COPY.

Muskogee, Indian Territory, July 29, 1902.

Frank B. Ridge,

Southwest City, Missouri.

Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, together with a copy of the decision of the Commission, rejecting your said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

[illegible]

Commissioner in Charge.

Register.

Enc. C. No. 62.

COPY.

Cherokee D 936.

Muskogee, Indian Territory, July 20, 1902.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Frank B. Ridge for the enrollment of himself as a citizen by blood of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

Enc. C. No. 83.

COPY

Cherokee D 936.

Muskogee, Indian Territory, July 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Frank B. Ridge for the enrollment of himself as a citizen by blood of the Cherokee Nation, including the decision of the Commission, dated July 29, 1902, rejecting said application.

Very respectfully,

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 84.

(C O P Y)

Land
45882-1902

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON, August 13, 1902

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 29, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Frank B. Ridge for enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that the applicant was admitted to citizenship in the Cherokee Nation April 7, 1887 , and that his name appears on the roll of 1896; further that he moved to the nation in 1894, remained there two years and left and did not return to the Indian territory until about 1900 .

The Commission refused to place his name on the roll because he had not removed to and in good faith settled in the nation in which he claimed citizenship.

In view of the evidence, which has been carefully examined, and which the office believes shows that the applicant has no permanent abiding place in the Cherokee Nation, it is respectfully recommended that the Commission's decision be affirmed.

Very respectfully
Your obedient servant
A. C. Tonner
Acting Commissioner

3 inclosures.

((C O P Y) RAF

D. C. 14391-1902
ITD. 4965-1902
L R S

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

August 29, 1902

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

With letter of July 29, 1902, you transmitted the record and your decision of that date, in matter of application of Frank B. Ridge for enrollment as a Cherokee citizen.

The evidence shows that applicant was admitted to Cherokee citizenship in 1887 and is identified on the 1896 Cherokee census roll; that he removed to the nation in 1894, remained there two years, when he left the nation, and that he did not return to the Indian Territory until 1900. You denied the application because he was not on June 28, 1898, a resident in good faith of said nation or Territory.

The Acting Commissioner of Indian Affairs forwarded the papers August 13, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision

Respectfully,

(Signed) THOS RYAN
Acting Secretary

1 inclosure

COPY

Cherokee D 936.

Muskogee, Indian Territory, September 17, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Frank S. Ridge for the enrollment of himself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Tams Bixby

Acting Chairman.

Copy.

Cherokee D 936.

Muskogee, Indian Territory, September 17, 1902.

Frank B. Ridge,

Southwest City, Missouri.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Yours truly,

Tams Bixby

Acting Chairman.

(COPY)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 4965-1902.
7162-1903.

March 17, 1904.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 29, 1902, the Department affirmed your decision rejecting the application of Frank B. Ridge, for enrollment as a citizen of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded for readjudication by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. In your recommendation the Indian Office concurred, in its letter of October 7, 1903.

It is shown that the applicant was admitted to citizenship in the Cherokee Nation in 1887. He is identified on the Cherokee census roll of 1896. He removed to the nation in 1894, and remained there two years, and then left and did not return to the Nation or Indian Territory until about the 1st of November, 1900.

You rejected the application, referring as your authority, to paragraph 9 of section 21 of the act of June 28, 1898, (30 Stat., 495).

Apparently, under present rulings, the applicant is entitled to enrollment; but, in order that the Cherokee Nation may have an opportunity to be heard in the matter, you are directed to notify the attorney for the Nation that he will be allowed fifteen days from notice within which to show cause why said decision of August 29, 1902, should not be rescinded and your decision reversed. Advise him that any argument or papers submitted must be served upon the applicant. Report promptly.

Respectfully,

(Signed) Thos. Ryan,
Acting Secretary.

(MH)

(COPY)

Cherokee R-708

Tahlequah, Indian Territory, March 31, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In Departmental letter of March 17, 1904, the Commission is requested to notify you that you will be allowed fifteen days within which to show cause why the Department's decision of August 29, 1902, affirming the decision of the Commission of July 29, 1902, rejecting the application of Frank B. Ridge for enrollment as a citizen by blood of the Cherokee Nation, should not be rescinded and the applicant enrolled.

You will be given fifteen days from date hereof in which to enter your protest if you so desire, or submit any evidence against the enrollment of said Frank B. Ridge.

You are advised that any argument or papers submitted must be served upon the applicant.

Respectfully,

(Signed) C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

MH

(XXX)

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee 1x709

COMMISSIONERS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, April 18, 1904.

Frank E. Ridge,

Southwest City, Missouri,

Dear Sir:

On September 21, 1903, the Commission requested the Department to remand, for readjudication, the application made by you for enrollment as a citizen of the Cherokee Nation, that application having heretofore been denied by the Commission and the action of the Commission approved by the Secretary of the Interior. In reply to that request, the Commission was advised by the Department:

"Apparently, Under present rulings, the applicant is entitled to enrollment; but, in order that the Cherokee Nation may have an opportunity to be heard in the matter, you are directed to notify the attorney for the Nation that he will be allowed fifteen days from notice within which to show cause why said decision of August 29, 1902, should not be rescinded and your decision reversed. Advise him that any argument or papers submitted must be served upon the applicant. Report promptly."

On April 15, 1904, the attorney for the Cherokee Nation filed with the Commission a protest against your enrollment, a copy of which is transmitted to you herewith.

Respectfully,

C. R. Breckinridge

Commissioner in Charge
Cherokee Land Office.

MM

Enc. 4-20

Cherokee R-708

Tahlequah, Indian Territory, April 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

The Commission has the honor to transmit herewith protest filed by the Attorney for the Cherokee Nation against the enrollment of Frank B. Ridge as a citizen of the Cherokee Nation, said protest having been filed in accordance with the direction contained in Departmental letter of March 17, addressed to this Commission, and in which it was stated:

> "Apparently, under present rulings, the applicant is entitled to enrollment; but, in order that the Cherokee Nation may have an opportunity to be heard in the matter, you are directed to notify the attorney for the Nation what he will be allowed fifteen days from notice within which to show cause why said decision of August 29, 1902, should not be rescinded and your decision reversed. Advise him that any argument or papers submitted must be served upon the applicant. Report promptly."

A copy of a letter, addressed to the attorney for the Cherokee Nation in accordance with this direction, as well as a copy of a letter, addressed to the applicant, Frank B. Ridge, transmitting a copy of said attorney's protest, are also enclosed herewith.

It might be said, in connection with the statement in the protest transmitted herewith, i.e.,-"and the postoffice address of the present applicant is unknown as the returned letters of the

Secretary, (2)

Commission, addressed to the applicant in this case, verifies the that all the letters addressed to Frank E. Ridge at the postoffice given by him when he made application for enrollment, to-wit, Southwest City, Missouri, have been returned uncalled for, and the Commission has been unable to discover anyother address of this applicant.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MFM

Enc. M-229

Through the

Commissioner of Indian Affairs.

Refer in reply to the following:
Land.
26911-1904.

COPY

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, April 28, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 17, 1904, in the matter of the application of Frank B. Ridge for enrollment as a citizen of the Cherokee Nation, there is enclosed herewith a report from the Commission dated April 18, 1904, transmitting the protest of the attorneys for the Cherokee Nation against the enrollment of the applicant.

The Commission say that all letters addressed to the applicant at Southwest City, Missouri, have been returned uncalled for, and that they have been unable to discover that he has any other address.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

SAW-D

D C 15089-1904.

COPY

I.T.D. 4965-1902.
3590-1904.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.

FHE

L.R.S.

May 6, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of April 18, 1904, transmitting a protest of the Cherokee Nation against the enrollment of Frank B. Ridge as a citizen of the Cherokee Nation.

It is considered that the case should be remanded, as requested in your letter of September 21, 1903, in order that further testimony may be taken and the case be readjudicated.

The decision of August 29, 1902, affirming your decision rejecting the application, is hereby rescinded, and the testimony and papers attached thereto, together with the protest of the Nation, are herewith inclosed. A copy of the Acting Commissioner of Indian Affair's letter of April 28, 1904, submitting your report of April 18, 1904, is also inclosed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

3 inclosures.

Cherokee R-708.

Tahlequah, Indian Territory. May 24, 1904.

Commission to the Five Civilized Tribes,
(Cherokee Division),
Muskogee, Indian Territory.

Gentlemen:

As requested in the Commission's letter of May 18, there is transmitted herewith, original jacket, record and card in Cherokee R-708 (D-936), Frank E. Ridge.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MRR
Encl R-184

Cherokee R-[illegible].

Muskogee, Indian Territory, May 28, 1904.

Frank B. Ridge,
Care of Claude L. Washbourne,
Southwest City, Missouri.

Dear Sir:

In the matter of your application for enrollment as a citizen by blood of the Cherokee Nation, you are advised that the Commission is in receipt of Departmental letter of May 6, 1904, rescinding its decision of August 29, 1902, rejecting your application, and directing that you be given an opportunity to introduce further testimony in support of your application.

You are, therefore, hereby advised that you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce such testimony as you may desire. It is particularly desired that you offer testimony as to your residence.

Respectfully,

Chairman.

Cherokee R-708.

Muskogee, Indian Territory, May 28, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Frank B. Ridge, as a citizen by blood of the Cherokee Nation, you are advised that the Commission is in receipt of Departmental letter of May 6, 1904, rescinding its decision of August 29, 1902, rejecting said application, and directing that the applicant be given an opportunity to introduce further testimony in support of his claim.

The applicant has, therefore, this day been notified that he will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce such testimony as he may desire. It is particularly desired that he offer testimony as to his residence.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

R 708

Muskogee, Indian Territory, June 27, 1904.

Mrs. Helen Ridge,

Grass Valley, California.

Dear Madam:

The Commission is in receipt of your letter of June 13, in reply to the Commission's letter of recent date addressed to your son, Frank B. Ridge, in which he is directed to appear before the Commission at Muskogee, on Saturday June 18, 1904, for the purpose of introducing further testimony in the matter of his application for enrollment as a citizen by blood of the Cherokee Nation. You inclose several documents relative to the citizenship of the said Frank B. Ridge and it is noted that you state that he was unable to appear on the date mentioned.

The documents inclosed with your letter are herewith returned, copies thereof having been made and filed in the applicant's case. You are requested to advise this Commission, at the earliest possible date, when it will be possible for the applicant to appear before the Commission and give further testimony in the matter of his enrollment in the Cherokee Nation.

Respectfully,

Commissioner in Charge.

Encl. F-65.

COPY.

Cherokee
R 708

Muskogee, Indian Territory, February 3, 1906

Frank B. Ridge ,
Care of J. C. Welch,
Grove, Indian Territory.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of your application for enrollment as a citizen by blood of the Cherokee Nation, it will be necessary for you to appear before the Commission at Muskogee, Indian Territory, and give further testimony relative to your enrollment as such citizen.

This matter should receive your immediate attention.

Respectfully,

Tams Bixby
Chairman

INDEXED

COMMISSION TO THE FIVE TRIBES

No.	Received	Date	Page
6699 1905	FEB 11 1905		

CR 708

Ridge, Mrs. Helen C.,
Grass Valley, Cal.,
Feb. 6, 1905.

Gives information relative to her son, Frank B. Ridge.
Cherokee R. 708.

CHEROKEE ENROLLMENT

Cherokee R. 708

Grass Valley Cala.
February 6th 1906

To.
Defartment of the Interior
Commission of five Civilized Tribes -
Sirs -

On June
27th 1904 You sent me a communication in regard to my son Frank B. Ridge. I could not at time give you any information as to his whereabouts I have lately communicated with him and can state that he is in the United States Army a private soldier and is now in the Philippine Islands You will probably hear from him as he knows from me that you have made the request that he should appear before your commission - On

will undoubtedly that it will be impossible for him to appear, and must rely upon his previous appearance and evidence now before you. I hope you will see your way to do justice to my son and allow his claim.

Very Respectfully yours
Mrs. Lola C. Bielge
Grass Valley
Nevada Co.
California

COMMISSION TO THE FIVE CIVILIZED TRIBES
No. 6710
RECEIVED
1905 FEB 11 1905
Book
Page

Welch, J.C.,
Grove, I.T.,
Cherokee Nation,
Feb. 9, 1905.

States he can give no information relative to Frank B.Ridge.

CHEROKEE ENROLLMENT

CR 708

~~Legal~~

RJE

D. C. 42148-1905.
I.T.D. 4965-1902.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

IRS

September 1, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On May 6, 1904, the Department returned to the Commission to the Five Civilized Tribes, for readjudication, the record in the matter of the application of Frank B. Ridge for enrollment as a citizen of the Cherokee Nation.

You are requested to furnish a report in the matter.

Respectfully,

(Signed) Thos Ryan
Acting Secretary.

Through the
Commissioner of Indian Affairs.

Muskogee, Indian Territory, September 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of September 1, 1905 (I.T.D. 4965-1902), stating that on May 6, 1904, the Department returned to the Commission to the Five Civilized Tribes for readjudication the record in the matter of the application of Frank B. Ridge for enrollment as a citizen of the Cherokee Nation. A report is requested in the matter.

In reply I have the honor to state that the records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 29, 1902, [illegible] for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation, was approved by the Department on August 29, 1902.

On September 21, 1903, the Commission requested that the case be remanded for readjudication in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Tsargain case, and on March 17, 1904, the Department (I.T.D.

4965-1903, 7152-1903), in reply to the Commission's request stated:

> "Apparently, under present rulings, the applicant is entitled to enrollment; but in order that the Cherokee Nation may have an opportunity to be heard in the matter, you are directed to notify the Attorney for the Nation that he will be allowed fifteen days from notice within which to show cause why said decision of August 29, 1902, should not be rescinded and your decision reversed. Advise him that any argument or papers submitted must be served upon the applicant. Report promptly."

In accordance with said instructions the Attorney for the Cherokee Nation was, on March 31, 1904, duly advised thereof and was notified that he would be given fifteen days from that date in which to file such protest as he desired to make against the enrollment of said Frank B. Ridge as a citizen of the Cherokee Nation. Thereafter within the fifteen days allowed there was filed with the Commission a protest against the enrollment of said Frank B. Ridge, and on April 18, 1904, said protest was, by the Commission, forwarded to the Department.

The Department in reply thereto, on May 6, 1904 (I.T.D. ~~4965-1903, 3800-1904~~), stated "it is considered that the case should be remanded as requested in your letter of September 21, 1903, in order that further testimony be taken, and the case be readjudicated," and the decision of the Department of August 29, 1902, affirming the Commission's decision of July 29, 1902, was rescinded and all the papers in the case returned to the Commission.

The applicant and the Attorney for the Cherokee Nation were accordingly notified on May 28, 1904, of the Department's

action in remanding said case in order that further testimony may be taken therein, and the applicant was notified to appear before the Commission at nine o'clock A. M. on Saturday, June 18, 1904, and introduce further testimony in his case, the Commission stating that testimony was particularly desired as to the residence of the applicant in the Cherokee Nation. This notice to the applicant, which was sent to his last known post office address, Southwest City, Missouri, in care of Claude L. Washbourne, was not returned to the Commission, so far as the records of this office show. Several letters addressed to the applicant at the post office which he gave when he made application for enrollment were, however, returned uncalled for, as was stated in the Commission's letter to the Department of April 18, 1904, above referred to, and this office has been, to date, unable to discover the address of the applicant.

Again on February 3, 1905, a letter was addressed to the applicant in care of J. C. Welch, at Grove, Indian Territory, notifying him that before any further action could be taken in the matter of his application for enrollment, it would be necessary for him to appear before the Commission and give further testimony as to his right to enrollment.

The Commission received a letter from Mrs. Helen Ridge of Grass Valley, California, mother of Frank B. Ridge, dated June 13, 1904, in reply to the Commission's letter directing her son to appear before it on June 18, 1904, for the purpose of introducing testimony as above stated, in which she advised that he

Secretary---4.

(Frank B. Ridge) was unable to appear on the date mentioned. On June 27, 1904, the Commission, in reply to that letter, requested Mrs. Ridge to advise it at the earliest possible date when it would be possible for the applicant to appear before the Commission and give further testimony in the matter of the application for his enrollment. On February 11, 1905, there was received another letter from Mrs. Ridge, dated February 6, 1905, in which she, in reply to the Commission's letter of June 27, 1904, just referred to, stated:

> I could not at that time give you any information as to his whereabouts. I have lately communicated with him and can state that he is in the United States Army, a private soldier, and is now in the Philippine Islands. You will probably hear from him as he knows from me that you have made the request that he should appear before your commission."

She also advised that it would be impossible for him to appear as requested and "must rely upon his previous appearance and evidence now before you."

This office has been unable, to date, to receive any further testimony as to the right to enrollment of said Frank B. Ridge, which it is considered, should be had in order that his right to enrollment may be properly determined.

Respectfully,

GHL

Acting Commissioner.

Through the

Commissioner of Indian Affairs.

COPY.

Land. 78034-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of September 1, 1905, I.T.D.4965, stating that on May 6, 1904, the Department returned to the Commission to the Five Civilized Tribes, for readjudication, the record relative to the application of Frank B. Ridge for enrollment as a citizen of the Cherokee Nation, and directing Mr. Bixby to make report, there is enclosed a report from him dated September 20, 1905, concerning this subject.

He states that the records of his office show that July 29, 1902, the Commission rejected the application of Frank B. Ridge; that the Commission's action was approved by the Department August 29, 1902; that September 21, 1903, the Commission requested that the case be remanded for readjudication in accordance with an opinion of the Assistant Attorney General, of March 16, 1903, in the Yeargain case; that on March 17, 1904, the Department in reply said:

> Apparently, under present rulings, the applicant is entitled to enrollment; but in order that the Cherokee Nation may have an opportunity to be heard in the matter, you are directed to notify the Attorney for the Nation that he will be allowed fifteen days from notice within which to show cause why said decision of August 29, 1902, should not

> be rescinded and your decision reversed. Advise him that any argument or papers submitted must be served upon the applicant. Report promptly.

Mr. Bixby also reports that in accordance with said instructions the Attorney for the Cherokee Nation was notified that he would be allowed fifteen days from March 31, 1904, in which to file such protest as he might desire to make against the enrollment of Frank B. Ridge; that protest against the enrollment of said Ridge was filed with the Commission and transmitted to the Department April 18, 1904; that May 6, 1904, the Department said:

> It is considered that the case should be remanded as requested in your letter of September 21, 1903, in order that further testimony may be taken and the case be readjudicated;

and that the decision of the Department of August 29, 1902, affirming the Commission's decision adverse to the applicant was rescinded and all papers enclosed returned to the Commission.

He also says that May 28, 1904, the Attorney for the Cherokee Nation was notified of the Department's action; that the applicant was notified to appear before the Commission June 18, 1904, and introduce further testimony in his case; that notice to the applicant was sent to his last known postoffice address, Southwest City, Missouri, care of Claude L. Washbourne, and was not returned to the Commission; that several letters addressed to the applicant at the postoffice which he gave when he made application for enrollment were returned uncalled for; and that he has been unable to discover the present address of the appli-

cant.

February 5, 1903, the Commission addressed a letter to the applicant at Grove, Indian Territory, care of J. C. Welch, notifying him it would be necessary for him to appear before the Commission and give further testimony as to his right to enrollment, and Mr. Bixby says that under date of June 13, 1904, Mrs. Helen Ridge, of Grass Valley, California, mother of Frank B. Ridge, in reply to the Commission's communication directing her son to appear before it on June 18, 1904, advised the Commission that Frank B. Ridge was unable to appear on the date mentioned; that June 27, 1904, the Commission requested Mrs. Ridge to inform it when it would be possible for the applicant to appear before the Commission and give further testimony; that on February 11, 1905, a communication dated February 6, 1905, from Mrs. Ridge, was received, stating:

> I could not at that time give you any information as to his whereabouts. I have lately communicated with him and can state that he is in the United States Army, a private soldier, and is now in the Philippine Islands. You will probably hear from him as he knows from me that you have made the request that he should appear before your commission.

Mrs. Ridge also said it would be impossible for Frank B. Ridge to appear as requested by the Commission, and that he would have to rely upon his previous appearance and the evidence before the Commission.

Mr. Bixby concludes his report with the statement that he has been unable to obtain further testimony as to the right of Frank B. Ridge to enrollment, which it is believed should be had,

in order that his right to enrollment may be properly determined.

From the statements contained in the report of the Commissioner to the Five Civilized Tribes, it appears that the Commission and the Commissioner have used due diligence in attempting to ascertain the whereabouts of the applicant and to obtain additional testimony concerning the rights of the applicant to enrollment as a Cherokee citizen. It is believed, however, that as the applicant is a soldier in the Philippine Islands, the Commissioner to the Five Civilized Tribes should try to obtain the desired testimony from former neighbors of Frank B. Ridge, and the Office recommends that he be so advised.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAE-GH.

D. C. 49212-1905.
I.T.D.13672-1905.
LRS

Y.P.
LIB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

October 25, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of September 20, 1905, relative to the Cherokee enrollment case of Frank B. Ridge.

Inclosed is a copy of Indian Office letter of October 20, 1905, submitting your report, in which it is recommended, as the applicant is a soldier in the Philippine Islands, that you be advised that you should try to obtain the testimony desired from neighbors of such applicant.

It is requested that further efforts be made to secure sufficient evidence to enable you to determine applicant's right to enrollment. It is not necessary that he appear in person before you, nor does the Department understand that you so hold.

Respectfully,

(Signed) E. A. Hitchcock,
Secretary.

Through the
Commissioner of Indian Affairs.

1 inclosure.

Cherokee R-708.

Muskogee, Indian Territory, November 13, 1905.

Helen Ridge,

Grass Valley, California.

Dear Madam:

In connection with the application for the enrollment of your son, Frank B. Ridge, as a citizen by blood of the Cherokee Nation, you are advised that this office is in receipt of Departmental letter of October 25, in which this office is directed to make an effort to secure further testimony as to the residence and property interests in the Cherokee Nation of your said child. This office is advised that your son is at present in the Unites States Army in the Philippine Islands, and it is not considered that he will be able to appear in order that his personal testimony may be taken.

You are requested to advise this office of any relatives of your son or persons whose testimony it will be available to secure along the lines indicated above. If you know of any such persons you should communicate with them direct, and advise them that on Thursday, December 7, 1905, at nine o'clock A. M., they will be given an opportunity to appear before the offices of the Commissioner to the Five Civilized Tribes for the purpose of giving testimony in this case. You are advised that letters have

this day been addressed to Claude L. and E. N. Washbourne, of Kucha, and Ridge Paschal of Tahlequah, Indian Territory, requesting that they appear on that date for the purpose of offering their testimony. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in this case.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. S-130
Register

Commissioner.

Cherokee R-708.

Muskogee, Indian Territory, November 13, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Cherokee enrollment case of Frank B. Ridge has been set for hearing at nine o'clock A. M., on Thursday, December 7, 1905, and this office is making an effort to secure further testimony as to the residence and property interests in the Cherokee Nation of said Frank B. Ridge.

There is inclosed herewith copy of Departmental letter of October 25, 1905, in connection with this case.

Respectfully,

Incl. S-131

Commissioner.

Cherokee R-708.

Muskogee, Indian Territory, November 13, 1905.

Claude L. Washbourne,

Eucha, Indian Territory.

Dear Sir:

Application has been made to the Commission to the Five Civilized Tribes for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation. Before his right to enrollment can be definitely determined it will be necessary that further testimony be introduced as to his residence and property interests in the Cherokee Nation. It is understood that Frank B. Ridge is at present in the service of the United States Army in the Philippine Islands, and for that reason it will not be practicable to secure his personal testimony in this case. This office is advised that you could probably give testimony along the lines indicated, and you are requested to appear before the offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Thursday, December 7, 1905, at nine o'clock A. M., in order that your testimony may be taken in connection with this case.

Respectfully,

Commissioner.

LS
Register

Cherokee R-708.

Muskogee, Indian Territory, November 13, 1905.

E. N. Washbourne,

Eucha, Indian Territory.

Dear Sir:

Application has been made to the Commission to the Five Civilized Tribes for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation. Before his right to enrollment can be definitely determined it will be necessary that further testimony be introduced as to his residence and property interests in the Cherokee Nation. It is understood that Frank B. Ridge is at present in the service of the United States Army in the Philippine Islands, and for that reason it will not be practicable to secure his personal testimony in this case. This office is advised that you could probably give testimony along the lines indicated, and you are requested to appear before the offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Thursday, December 7, 1905, at nine o'clock A. M., in order that your testimony may be taken in connection with this case.

Respectfully,

LS
Register

Commissioner.

Cherokee R-708.

Muskogee, Indian Territory, November 13, 1905.

Ridge Paschel,

Tahlequah, Indian Territory.

Dear Sir:

Application has been made to the Commission to the Five Civilized Tribes for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation. Before this right to enrollment can be definitely determined it will be necessary that further testimony be introduced as to his residence and property interests in the Cherokee Nation. It is understood that Frank B. Ridge is at present in the service of the United States Army in the Philippine Islands, and for that reason it will not be practicable to secure his personal testimony in this case. This office is advised that you could probably give testimony along the lines indicated, and you are requested to appear before the offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Thursday, December 7, 1905, at nine o'clock A. M., in order that your testimony may be taken in connection with this case.

Respectfully,

LS
Register

Commissioner.

Cherk 1708

Copy.

Muskogee, Indian Territory, December 12, 1905.

Fred P. Branson,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony of December 7, 1905, in the matter of the application for the enrollment of Frank B. Ridge as a citizen of the Cherokee Nation.

Respectfully,

Acting Commissioner.

Incl. S-71

Cherk 708

COPY.

Muskogee, Indian Territory, December 12, 1905.

W. W. Hastings,
Attorney for the Cherokee nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony of December 7, 1905, in the matter of the application for the enrollment of Frank B. Ridge as a citizen of the Cherokee Nation.

Respectfully,

Wm O Beall
Acting Commissioner.

Encl. B-98

COPY.

Muskogee, Indian Territory, February 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, rejecting said application.

On May 6, 1904 (I.T.D. 4965-1902, 3690-1904), this case was remanded by the Department for further hearing and readjudication.

Respectfully,

[redacted]

Acting Commissioner.

Incl. GL-119.
CHL

Through the Commissioner
of Indian Affairs.

COPY.

Cherokee
R 708

Muskogee, Indian Territory, February 20, 1906.

Frank B. Ridge,
c/o Helen C. Ridge,
Grass Valley, California.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, affirming the decision of the Commission to the Five Civilized Tribes, dated July 29, 1902, rejecting the application for your enrollment as a citizen by blood of the Cherokee Nation. Your attorney, F. P. Branson, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED:
Wm O Beall
Acting Commissioner.

Incl. GL-116.
GNL

REGISTER.

COPY.

Cherokee
R 708

Muskogee, Indian Territory, February 20, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, affirming the decision of the Commission to the Five Civilized Tribes, dated July 29, 1902, rejecting the application for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED.

Wm O Beall
Acting Commissioner.

Incl. GL-118.
GHL

COPY.

Cherokee
R 708

Muskogee, Indian Territory, February 20, 1906.

F. P. Branson,

Attorney for Frank B. Ridge,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, affirming the decision of the Commission to the Five Civilized Tribes, dated July 29, 1902, rejecting the application for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

SIGNED.

Wm. O. Beall
Acting Commissioner.

Incl. CL-117.
GHL

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 22, 1906.

Commissioner of Indian Affairs,

Washington, D. C.

Sir:

This office is in receipt of your letter of May 10 (land 24358-1906), enclosing an argument of Fred P. Branson in the Cherokee Enrollment case of Frank B. Ridge.

The argument is returned herewith, and you are advised that the record in the matter of the application of Frank B. Ridge for enrollment as a citizen by blood of Cherokee Nation, together with decision of the Commissioner to the Five Civilized Tribes, was forwarded to the Department with this office letter of February 20, 1906.

The number of the case is D 936 (now R 708).

Respectfully,

Acting Commissioner.

Incl. C-1
LC

Muskogee, Indian Territory, January 17, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to this office letter of February 20, 1906, transmitting the remanded record in the matter of the application for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation, and the Commissioner's decision of that date adverse to the applicant, there is transmitted herewith a brief on the part of the Cherokee Nation. A copy of this brief is shown to have been served on Kappler and Merillat of Washington, D. C.

The records of this office fail to show that any brief on the part of the applicant has been filed with it.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

CC-17-1

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land.
17402-1906.
45192-"
57296-"
67735-"
74785-"
113120-"
44005-"
6858-1907.

February 20, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application of Frank B. Ridge, for enrollment as a citizen by blood of the Cherokee Nation. A decision adverse to the applicant in this case was rendered by the Commission to the Five Civilized Tribes on July 29, 1902. The case was remanded by the Department on March 17, 1904 (I.T.D.4965-1902,7162-1903), for further investigation and readjudication. It was also the subject of Departmental letter of May 6, 1904 (I.T.D.3590-1904). Additional testimony was taken in the case on December 7, 1905, and on February 20, 1906, the Commissioner held that the evidence shows that when the applicant left the Cherokee Nation he owned some improvements therein, but fails to show that during his absence from the Nation he exercised any control over the property, or that he now claims or possesses any property

in the Cherokee Nation. The Commissioner refers to paragraph 9 section 21of the Act of Congress approved June 28, 1898 (30 Stat. L.,495), wherein it provides:

> No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship . . . ,

and denied the application.

The record has been examined in the Office and it has been discovered that Frank B. Ridge removed to the Cherokee Nation in 1894 and remained there two years ormore; that during that timehe acquired the improvements on two tracts of agricultural land and bought a lotin one of the towns in the Cherokee Nation. He held these improvements and the lot until the year 1900 or after, when he sold the lot. It is claimed in his behalf that he left the improved property in charge of an agentwhile he himself was absent from the nation, being mostof the time a soldier in the United States army. Having lived in the nation for two years or more, it cannot fairly be said that he never removed to and made settlement in the nation in the sense intended by the act of June 28, 1898, from which the Commissioner quotes.

He is descended from John Ridge, one of the signers of the Cherokee treaty of 1835. His family have been recognized as Cherokee citizens down to the present day, andhaving been born in California, where his parents were for a time living, he was regularly enrolled as a citizen of the nation by the Commission on Citizenship on April 7, 1897. In an emphatic

a way as possible for an unmarried young man who is moving from place to place as a soldier in the United States army,, he attempted to perform such acts as would give evidence of his intention to continue as a citizen of the Cherokee Nation. I believe that his case is entitled to be considered as coming within the rule laid down in the case of Joseph D. Yeargain (I.T.D.2900-1903), and that he could not be refused enrollment on the strength of the holding of the Department in the Mary L. Strickland, Wellie Walker Lytton or Hubert Henry cases. It is therefore recommended that the decision of the Commissioner be reversed and that he be directed to enroll Frank B. Ridge as a citizen by blood of the Cherokee Nation.

There are enclosed biref of Messrs. Kappler & Merrilat, attorneys at lawof this city, in behalf of the applicant, argument of Fred P. Branson, attorney at law of Muskogee, Indian Territory, in behalf of the applicant, letter of Hon. J. M. Gillett, H. R., with which he submitted to the Department a letter addressed to him from Mrs. Helen C. Ridge of Grass Valley, California, the mother of [redacted] forwarded to this Office for consideration in connection with Department letter of May 19,1906 (I.T.D.5825-1906), and biref on the part of the Cherokee Nation which was forwarded by the Commissioner to the Five Civilized Tribes on January 17, 1907.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

D.C.13017

COPY

JY

I.T .D.4384-1907.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

March 4, 1907.

LRE

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 20, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation, including your decision of the same date, adverse to the applicant.

Reporting February 20, 1907 (Land 6858), the Indian Office recommended that your decision be reversed, and that the applipleant be enrolled as a citizen by blood of the Cherokee Nation. A copy of its letter is inclosed.

The Department concurs in the recommendation of the Indian Office, and you are authorized to enroll Frank B. Ridge as a citizen by blood of the Cherokee Nation.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) E. A: Hitchcock,

Secretary.

1 inc. and9to Ind. Of.
A F We
3-4-07

Cherokee D.708

COPY

Muskogee, Indian Territory, March 21, 1907.

Frank B. Ridge,
Southwest City, Missouri.

Dear Sir:

You are hereby advised that the application for your enrollment as a citizen by blood of the Cherokee Nation, was granted by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Enc 1-616

MPI

Cherokee 8706

COPY

Muskogee, Indian Territory, March 21, 1907.

Kennedy & Merrillat,

Attorneys for Frank B. Ridge,

Washington, D.C.

Gentlemen:

You are hereby advised that the application for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation, was granted by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

Enc I-625

MPI

Cherokee D/708

COPY

Muskogee, Indian Territory, March 21, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Frank B. Ridge as a citizen by blood of the Cherokee Nation, was granted by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Enc L-610

MPI

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Unclaimed.



Frank r. Ri

Southwest City, Missouri.



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Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

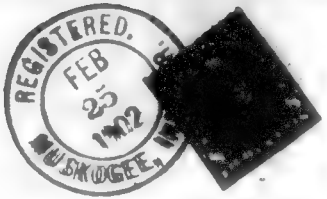
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Frank P. Ridge,

Southwest City,

Mo.


REGISTERED.
APR
1902
GEE, IND. TER.



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Mr. Frank B. Ridge,

Southwest City, Missouri.

2015

49

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Cher 11005

Elsie Headley

Trans. from MM13

Cher 11005

Cherokee Memorandum.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 26, 1905.

In the matter of the application for the enrollment of ELSIE HEADLEY as a citizen by blood of the Cherokee Nation.

LOTTIE BLUEJACKET, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A Lottie Bluejacket.
Q What is your post office address? A Bluejacket.
Q Are you a Cherokee by blood? A No sir.
Q White woman? A Yes sir.
Q You claim no rights as a Cherokee? A No sir.
Q You now desire to make application for Elsie Headley? A Yes sir.
Q How old is Elsie Headley? A 13.
Q Are you the mother of her? A Yes sir.
Q Who is the father of Elsie Headley? A W. W. Fields.
Q Is he a Cherokee by blood? A Yes sir.

W. W. Fields is identified as William W. Fields on Cherokee Card No. 10214.

Q Were you ever married to William W. Fields? A No sir.
Q Has he ever acknowledged this child as his? A Yes sir.
Q Have you ever made application for the enrollment of this child prior to this day? A No sir, excepting writing these letters.
Q Has any one else ever made application for this child, that you know of? A No sir.
Q Has this child ever been recognized by the Tribal Authorities of the Cherokee Indians? A No sir.
Q Is its name on any of the Tribal rolls? A I don't know.
Q Did you ever receive any money on account of this child? A No sir.

Section 30 of the Act of July 1, 1902, providing, among other things, ".....but the application of no person whomsoever for enrollment shall be received after the thirty first day of October, nineteen hundred and two."

----------oOo----------

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 7th day of July, 1905.

Edward Merrick
Notary Public.

COMMISSIONER OF THE PATENT OFFICE

FILED

AUG 26 1905

Muskogee Indian Territory, 8/xx 1905

RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES one copy of the testimony in Elsie Headley

Fred P Bowen
Attorney for Applicant.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 28, 1906.

In the matter of the application for the enrollment of ELSIE HEADLEY as a citizen by blood of the Cherokee Nation.

APPEARANCES:
For Applicant, Charles A. Cook.
For Cherokee Nation? W. W. Hastings.

LOTTIE BLUEJACKET, being first duly sworn, by Charles E. Webster, a Notary Public, testified as follows:

BY MR. COOK:
Q What is your name? A Lottie Bluejacket.
Q Where do you reside? A Half mile east of Bluejacket.
Q In the Cherokee Nation? A Yes sir.
Q What is your age? A I am 33 years old.
Q What was your maiden name? A Headley.
Q Do you know Elsie Headley? A Yes sir.
Q Are you the mother of Elsie Headley? A Yes sir.
Q Who was the father of Elsie Headley? A W. W. Fields.
Q Where were you living when Elsie Headley was born? A I was living in the Cherokee Nation close to South West City.
Q On whose farm or land? A On his farm.
Q Where did he live? A He was living there too.
Q Right there? A Yes sir.
Q In whose house was he living? A In the same house.
Q Same house you did? A Yes sir.
Q How long had you and he been living in the same house together?
A About two years.
Q Was he a married man at that time? A No sir.
Q Did he ever marry? A Yes sir, he married afterwards.
Q Was he married before Elsie was born or afterwards? A He was married about two months before she was born. Hardly two months.
Q In what way did he recognize Elsie Headley?

Mr. Hastings: We want to object to that as being leading.

On behalf of the Commissioner: The objection will be noted.

Q How did he recognize the child Elsie Headley? A Why he taken care of her and supported her.
Q Why did he do that? A Because she was his own child.
Q How long did he continue to do that? A Why he helped me about 7 years, of course he didn't support her in full.
Q When did he quit supporting her or contributing to her support?
A About 6 years ago.
Q Why did he quit them? A Well I married and I never needed his help.
Q You state he was the father of the child? A Yes sir.

BY MR. HASTINGS:
Q Were you ever married before Elsie was born? A No sir.
Q W. W. Fields ever married previous to the time you testified about namely, that he was married about two months before Elsie was born? A Yes sir.

Q He had been married before that? A Yes sir, quite awhile before I don't just know how long.
Q What was his wife's name? A His first wife? [redacted]
Q Yes? A He married a Fitzgerald.
Q Were they separated or did she die? A They were separated and divorced.
Q Do you know when he was divorced from his first wife? A I don't knowjust when but I know when his divorce case was.
Q Do you know how long he had been married from the time you testified about? A I don't remember it, had been quite awhile.
Q Where was he divorced? A At Tahlequah I believe, I don't know positively.

[redacted]

ON CROSS-EXAMINATION BY MR. HASTINGS:
Q Did you mean to testify that you and W. W. Fields lived together or do you mean to testify that you and he at the same time lived at some one's house? A Oh no sir, I thought when the Judge asked me I didn't take time to explain that. No sir, my father and mother lived on his place.
Q And you were living with your father and mother? A Yes sir.
Q You never did live with W. W. Fields as his wife? A No sir.
Q You never held yourself out as his wife? A No sir.
Q And he never held himself out as your husband? A No sir.
Q You mean to say you lived with your father and mother and he lived on Field's place? A Yes sir, that is the correct way of it.
Q So there was never any open living together between you and W. W Fields? A No sir, none at all. I thought after I spoke that it wasn't correct, that it should not be but then I thought the Judge hardly knew what he was going to ask me, I had stated the facts to him.
Q Was this the only child you had born to you prior to your marriage? A Yes sir.
Q When were you married? A I was married six years the 19th day of September.
Q You never applied to have this child enrolled on any rolls before?
A Well I tried to a time or two but I never did very much at it. They always said I couldn't and I never tried very much.
Q You never succeeded before? A I never got any one to help me.
Q And you say W. W. Fields was married a second time before this child was born? A Yes sir.
Q This child always go by the name of Elsie Headley? A Yes sir.
Q Goes by that name yet? A Yes sir.
Q It was born while you were living there with your father and mother? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Is W. W. Fields living now? A Yes sir.
Q What is his postoffice? A Elmejacket.
Q What are the names of his parents? A His father is named George and I don't know his mother's name, she has been dead for a number of years.
Q Do you know whether W. W. Fieldever tried to have the name of Elsie placed on my Tribal Rolls? A No sir, I don't think he ever did. Not that ever I knew of.
Q Do you knowwhether he ever drew any money for her? A No sir.
Q Now while you were living with your father and he was living on Fields' place, did Fields also live on his place? A Why he lived with us there, with my father, in his house. All lived in the same house.
Q Fields lived with your parents when you were living on his farm?
A Yes sir.

Q Did he live there all the time up until he was married? A Yes sir.
Q Did he live there after he was married? A Yes sir, my father and mother moved away.
Q Where did you go? A I stayed awhile with me father and mother and went back.
Q Went back to Fields'? A Yes sir, after he was married.
Q How long did you continue to live there at his place after he was married? A Well I didn't stay there all the time, I was backwards and forwards, when I didn't have any place to stay , I hired out most of the time. When I didn't have any place to stay I made that my home.
Q At Fields'? A Yes sir.
Q Did your parents move off of Field's place before or after Fields married the second time? A They moved off afterwards a short time.
Q Howlong had you known Mr. Fields before your child was born?
A About 5 years I believe, 4 or 5 years.
Q When you first learned to know him was he married to his first wife? A Yes sir, he had been but they were separated.
Q Separated when you first learned to know them? A Yes sir.
Q How long did your father live on his place before e was married the second time? A Three years I believe.
Q Did Fields live there also during those three years? A The firs year he didn't stay with us but t e next two he did.
Q He didn't stay there the two years preceding the time he was married to his second wife? A No sir, when he lived with us he was single and when he married then my father moved away.
Q As I understood you, you stated that the two years preceeding his marriage to his second wife, he never lived at your father's place, is that right? A Before he was married he lived with us.
Q He lived with your father on his place two or three years before he married the second time? A Why he stayed with us about two years I guess, somewheres near that time.
Q Now was it just before his marriage to his second wife? A Yes sir, just before his marriage.
Q And you lived there all the time yourself during those two years?
A Most all of the time, I was away some, the last year I was at home all the time.

BY MR. COOK:
Q Then Mr. Fields did live with your father's family the two years preceding the birth of the child? A Yes sir, he lived there all the time.
Q It was Mr. Fields land and house and your father was occupying the house and he lived with him? A Yes sir.
Q You say after the second marriage your father and mother and you moved away, do you? A Yes sir.
Q But afterwards you moved back? A Yes sir, it was afterwards I went back there to stay.
Q What became of Elsie, the bby? A I kept her with me.
Q When you came back to Mr. Fields place where did you and the baby stay, in the same house with him? A Yes sir, in the same house with him and his family.
Q The baby was kept there too? A Yes sir.

BY MR. HASTINGS:
Q But he lived with his wife? A Yes sir, I just stayed with them and did the work for my board and clothes and the baby taken care of, doing house work.

ON BEHALF OF THE COMMISSIONER:
Q Is Mr. Fields here today? A Yes sir.

WITNESS EXCUSED.

WILLIAM W. FIELDS, beingfirst duly sworn, by Charles E. Webster, a Notary Public, testified as follows:

BY MR. COOK:

Q What is your name? A William W. Fields.
Q Do you know Elsie Headley? A Yes sir.
Q Do you know Lottie Bluejacket, it is now? A Yes sir.
Q Do you know who is th father of Elsie Headley? A I know who I believe the father is.
Q Well who is it? A Myself.
Q Do you knowwhen Elsie was born? A Yes sir.
Q Where was her mother living when she was born and for some year or two preceding that time? A Why, first lived up here on the head of Cabin Creek. There is where I first got acquainted with the family, then they moved from there over on the other side of Grand River on what is called Whitewater, and the child was born there.
Q Where were you living at that time? A I was living there.
Q What do you mean by that? A At that place on Whitewater.
Q Who else was living there? A Mr. Headley and his family and this girl.
Q Well hat house were you living in? A We were all living in the same house.
Q How many rooms did the house have? A It only had one room down stairs and one up.
Q How long had you been living in the family, in the same house with them preceding the birth of that child? A Well something near two years I believe.
Q Well after the birth of the child do you know who supported or contributed to its support? A Why Idid.
Q Do you know who recognized it as his child? A I did sir.
Q You mean to say from its birth up? A Yes sir.
Q Well after the birth of the child what became of Lottie's father and mother and herself? A Why, shortly after the birth of the child,--or before the birth of the child they moved away about three quarters of a mile from where I lived.
Q Was it before or after the birth of the child? A It was before the birth of the child.
Q You say they moved away about three quarters of a mile from where you lived? A Yes sir.
Q Then how long did she stay away? A She stayed away I think a couple of weeks.
Q Did you continue to live in that same house Mr. Fields? A Yes sir.
Q For how long thereafter? A Why I lived there, I dis remember now.
Q You continued to live there did you? A per a while, yes sir.
Q Where did Lottie and the baby live for the next succeeding year?
A Why they lived with me.
Q In that same house? A Yes sir.
Q What became of her father and mother at that time? A Why asI told you they moved away and she went with them and then came back to our house.
Q You say you recognized and treated that child as your own and contributed to its support. How long did you continue to do that?
A Well something near about 8 years I guess.
Q Did you then quit contributing to its support? A Yes sir for she got married.
Q Why did you quit contributing? A Well she got married and I thought then it wasn't worth while for me to bother any further unless she desired it.
Q Are you a citizen, are you a Cherokee by blood? A Yes sir.
Q You are on the rolls are you? A Yes sir, I am on all the rolls except the 1880 roll.
Q You are a Cherokee by blood and on the rolls? A Yes sir.

BY MR. HASTINGS:
Q When were you first married? A I have been married twice,--you mean the first time.
Q Yes? A Well sir I declare I disremember just how long it has been.
Q It was a number of years before this child was born? A Yes sir.
Q You were divorced from your first wife? A Yes sir.
Q Do you remember when you were divorced? A Why it was in either August or September 1890 or '91, I would not say positive which.
Q You have forgotten the year? A Yes sir.
Q How long before you were married the second time? A I think we were married, me and my last wife were married on September 13th if I don't forget.
Q After you were divorced? A Yes sir.
Q Just a few days after you were divorced? A Not a very great while just a few days.
Q Now you were divorced either in August or September and then that same September, on the 13th, you were married? A I think somewhere, I think it was near about the 13th that we were married.
Q You never lived with the mot er of Elsie as husband and wife?
A No sir.
Q You never held yourselves out as hus and and wife? A No sir.
Q Now while you stayed at her father's, previousto the birth of this child, you and she never held yourselves out as husband and wife? A No sir.
Q Never was so recognized in the community? A No sir.
Q You were married before this child was born? A Yes sir.
Q And upon your marriage the Headley family left your place and you occupied the house with your wife? A Yes sir.
Q Did Lottie Bluejacket, the mother of Elsie return to your place before or after the birth of Elsie? A Before the birth.
Q Where was Elsie born? A At my place.
Q In the house you were occupying? A Yes sir, the one I occupied at that time.
Q Now did she continue to stay there and help erk about your place afterwards? A Yes sir.
Q Did you pay her for her work or she worked for her board and that of her child? A She just stayed with us as one of the family.
Q What was your last wife's name? A Annie Headley.
Q Her sister? A Yes sir.
Q You married her sister? A Yes sir.
Q You never have made application for the enrollment of this child?
A No sir.
Q You didn't in 1894? A No sir.
Q You never made appli ation for it in 1896? A No sir.
Q What was your first wife's name? A Nellie Fitzgerald.
Q A whi e woman? A Yes sir.
Q Your last woman is a white woman? A Yes sir.
Q And the mother of Elsie, of course, is a white woman, being a sister? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q How long were you and your first wife separated before you married your second wife? A We were separated something near two years, I think.
Q During those two years had you lived in the family of Mr. Headley on your farm? A Yes sir.
Q Lottie Headley was living there? A Yes sir.
Q You stated in your direct testimony that you believed youwere the father of this child Elsie Headley? A Yes sir.
Q Have you anyreason to believe that you were not its father? A No sir I don't believe I knowof any reason why I should not be its father.

Q Is there any reason why you whould think that the paternity of this child should be doubtful? A No sir, I don't believe there is hardly any doubt of it.

BY MR. COOK:
Q You said there is no doubt about your being the father of the child? A I think not.
Q The child was begotten while she was living in the same house with you? A Yes sir.
Q Who did she marry after that, you said some years after the child was born she married somebody? A Yes sir, Mr. Silas Bluejacket.
Q That is the reason she goes by the name of Bluejacket now, is it? A Yes sir.

W I T N E S S E X C U S E D .

ALMEDA HEADLEY, being first duly sworn, by Charles E. Webster, a Notary Public, testified as follows:

BY MR. COOK:
Q What is your name? A Almeda Headley.
Q What relation do you bear to Mrs. Lottie Bluejacket, formerly Lottie Headley? A I am her mother.
Q Do you know Elsie Headley? A Yes sir.
Q Who is Elsie Headley? A She is this Lottie's daughter.
Q Now you tell us when and where Elsie was born? A She was born over there,--there is no town close,--on a Creek that is called Whitewater in the Cherokee Nation.
Q She was born at Mr. Fields's house? A Yes sir.
Q This W. W. Fields that testified here? A Yes sir.
Q Do you know who recognized that as his child? A Well it was generally thought that it was his child.
Q Who child? A That it was Mr. Field's child.
Q Do you knowwww who supported or contributed to its support and recognized it as his child? A Mr. Fields did himself, he supported it.

BY MR. HASTINGS:
Q Do you know when Mr. Fields was married to your daughter? A No sir, I don't exactly, about when it was, but it was about three months before this child was born I think.
Q His present wife is asister then of Lottie Bluejacket, the mother of Elsie? A Yes sir.
Q What is her name, his present wife's name? A Sarah Ann. She generally signs her name just Annie.
Q What is there oldest child's name? A There oldest child's name is Bertie.
Q I mean the oldest child of William W. Fields by Sarah? A That is the one.
Q Have the one named Dora? A Yes sir.
Q Have they one older than that? A Yes sir.
Q Bertie? A Yes sir.
Q How old is Bertie? A I think she is in her 17th year, I don't knowexactly her age.
Q Was she born before their marriage? A Yes sir.
Q Before William W. and Sarah A. married? A Yes sir, she was.
Q Was Dora born before their marriage? A No sir.
Q Well how long after their marriage before Dora was born? A I couldn't exactly tell how long it was.
Q Well do you know what time of the year Dora was born? A No sir, I don't exactly know.

Q You don't remember whether it was fall or spring? A I think it must have been along in February.
Q Was it in February after they were married? A I think it was.
Q Well you know Mrs. Headley that this child was born too soon?
A Well I don't know, he moved away from there down here at Adair, and I don't exactly know whether that was the correct age or not.
Q You are the grand mother and kept in pretty close touch? A It seems to me it was born in February, I aintcertain. I would not say positive unless I knew it positively.
Q Well Mr. Fields and yourdaughter Sarah were married pretty soon after he was divorced from his first wife? A Yes sir.
Q A fewdays? A Yes sir.
Q How long had he been separated from his first wife before his marriage to your daughter? A I couldn't tell you. I think they were separated a year or two.
Q You know wether he has got a child by hisfirst wife named Edward?
A Yes sir.
Q Does he live with him? A No sir, lives with his mother.
Q Do you know whether he and his first wife were living together when Edward were born? A I don't think they were.
Q You think Edward was born after the separation? A Yes sir.

W I T N E S S E X C U S E D .

WILLIAM W. FIELDS RECALLED:

BY MR. HASTINGS:
Q How old is Dora, your child? A Why she is about 14 years old last February.
Q Last February? A Last February or this February I couldn't tell you exactly.
Q She was either 13 or 14 last February? A Yes sir.
Q She was born in the month of February after you and her mother was married in September? A Yes sir.
Q You know what day in February she was born on? A No sir, I don't I am not sure, it is on the roll,--, have it down in the Bible at home but I don't remember.
Q Was application made for the enrollment of any child born to your last wife Sarah A. prior to your marriage to her? A Yes sir.
Q What was it's name? A Bertie.
Q How old is Bertie? A She is about 15 or 16 years old.
Q Well were you and Nellie Fields living together when your son Edward was born? A No sir.
Q Which is the elder Edward or Bertie? A I believe Bertie is a little the eldest I think she was born in December and he was born the following February or March.
Q You andNellie were not living together at that time? A No sir.
Q Did I ask you what day of the month of February that Dora was born?
A Yes sir.
Q And you said you didn't know? A I couldn't tell.
Q Had Sarah Ann any other children other than Bertie when you and she married? A No sir.
Q Had the mother of Elsie here had any other children besides Elsie when she married Blueja cket? A No sir.
Q Never gave birth to any other? A No sir.

ON BEHALF OF THE COMMISSIONER:
Q Which was born first, Dora or Elsie? A Elsie.
Q About how much difference in the dates of their birth? A Why there was something like three months I think. Elsei was born the 6th of November and Dora was born in February I think it was, following.

Q How long after you separated from your first wife Wellie, was Edward born? A Why I declare I couldn't just tell,--let me see--- it must have been 9 or 10 months I reckon.
Q In any event your child Edward by your wife Wellie and your child Bertie by your wife Sarah A. before you married her, were born about three months apart? A Something near it I think, yes.
Q And your child Dora by your wife Sarah and this child Elsie, who is the child of Lottie, were born about three months apart? A Something near that, yes sir.
Q Noware you prepared to state under oath that you are the father of all these children, Bertie, Dora, Edward and Elsie? A Yes sir, I have no other reasons to believe otherwise.
Q These children according to your testimony, must have been conceived after the separation of you and their mothers or within four months of the time of your marriage to your wife Sarah? A (No response).
Q Did your wife Wellie have any children after you and she separated besides Edward? A No sir.
Q You married your present wife something like two months before Bertie was born? A Yes sir.
Q Did you know that Lottie Bluejacket was pregnant when you married your present wife? A Yes sir.
Q Did you believe that she was pregnant by you? A Yes sir.
Q Did you know that your present wife was pregnant when you married her? A Yes sir, I thoug t she was.
Q You afterwards found that she was? A Yes sir.

BY MR. HASTINGS:
Q How long had you been separated from your first wife, Wellie, when you and Sarah A. were married? A I think something like a year and a half or two years, something along there seems to me li ke it was.
Q Well after you and Sarah A. were married your child Dora was born the following February? A Yes sir.
Q And was Edward born the following March? A I think it was after Dora was born, I believe he was born on Washington day.
Q On Washington's birth day? A Yes sir, that is Edward.
Q Born in February after you and Sarah were married in September?
A Yes sir.
Q Then in September when you and Sarah were married you and Wellie had been separated about a year and a half? A Yes sir.

BY MR. COOK:
Q Was Edward born after Lottie? A Maybe you mean after Elsie.
Q No, I understood you to say to Mr. Hastings that Edward was born after Lottie was? A This is Lottie sitting here.
Q Was Edward born before Elsie was born? A No sir.
Q Edward was a child by your first wife? A Yes sir.
Q How long was he born before Elsie Headley was born? A Now, let me see,--it might be possible now, I don't remember these dates, I never kept up with the dates, but it maybe that Edward was born a year before that, I couldn't say, it might be possible that he was born a year befo e that.
Q Before what? A Before these other children were born.
Q Yes? A It might be.
Q I understood you just now to saythat Edward was born after the birth of your child by the second wife? A That is what I understood but I maybe mistaken, I never kept no dates or anything of the kind.
Q If Edward wabern before Elsie was born he was necessarily born before Dora was born? Dora was born after Elsie? A Yes sir.

Q And you said Edward was born before Elsie? A If he wasn't born in the same month a year before that/--that is what I am trying to get in my head. It maybe possible he was born a year before this. I would not want to state on oath that it wasn't that way because I don't know.

ON BEHALF OF THE COMMISSIONER:
Q Now Mr. Fields, have you any other children by any woman to whom you were not married besides these children whose names have been mentioned in this case? A No sir.

W I T N E S S E X C U S E D .

The Attorneys for applicant and the Cherokee Nation announce that they have no further evidence to introduce in this case, this case will be closed and a decision rendered on the evidence heretofore introduced.

----------oOo----------

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H Lessley

Subscribed and sworn to before me this 1st day of October, 1906.

B. F. Rasmus
Notary Public.

6763

C.F.B. Cherokee M.N.13.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Klsie Headley as citizen by blood of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, June 25, 1906, Lottie Bluejacket appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of her minor daughter, Elsie Headley, as a citizen by blood of the Cherokee Nation, and that said Commission refused to receive or consider said application, in accordance with the provisions of Section thirty, of the Act of Congress approved July 1, 1902, which in part provides:-"....but the application of no person whomsoever for enrollment shall be received after the thirty-first day of October, nineteen hundred and two." Thereafter, petition on behalf of said applicant having been filed with the Department, the Department on December 15, 1906 (I.T.D.16706-1906), transmitted the petition to this office, and requested that all papers relative to said case, with the Commissioner's views on the law, be forwarded to the Department; that on January 6, 1906, the Commissioner returned said petition to the Department, and requested that the case of Klsie Headley be returned to this office, to be adjudicated in accordance with the decision of the Department on the question of jurisdiction as raised in the case of George Tinney; and that on April 26, 1906 (I.T.D.928-1906), said request was granted by the Department. The petition referred to in Departmental letter of April 26, 1906, was not enclosed, but was, on December 12, 1906 (I.T.D. 928-1906), transmitted to this office, and is made a part of the record herein. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, September 28, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Klsie Headley, was born in the year 1892, and is an illegitimate child of the said Lottie Bluejacket, a non-citizen of the Cherokee Nation, and one William W. Fields, a regularly enrolled citizen by blood of the Cherokee Nation, whose name appears on Cherokee Card, Field No. 10214, and is included in a partial roll of citizens of the Cherokee Nation approved by the Secretary of the Interior March 12, 1904, opposite No. 29191. The evidence further shows that said

applicant was born in the Cherokee Nation and has continuously resided therein since birth. Said applicant is not identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one, of the Act of Congress approved June 28, 1898 (30 Stat., 495), Elsie Headley is entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 10 1907

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.
RECEIVED
JAN 16 1907

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.

In the matter of the application for the enrollment of Elsie Headley as a citizen by blood of the Cherokee Nation, C. N. M. 13.

Protest of the Cherokee Nation.

The testimony in this case tends to show that Elsie Headley was born either on the 6th of November 1892, or in November, 1893. She was therefore 13 years of age when application was made for her enrollment and it is testified on behalf of the said Elsie Headley that her mother's name is Lottie Bluejacket; that she is a white woman, and it is claimed that her father's name is W. W. Fields. The testimony further tends to show that W. W. Fields had been previously married; that he and his first wife were temporarily separated; that he was making his home with the Headleys; that he had already had one illegitimate child by a sister of Lottie Bluejacket, and that Lottie Bluejacket's sister, whom he subsequently married, was pregnant, as was also Lottie Bluejacket at the same time, by W. W. Fields. The testimony shows that they became pregnant prior to the time W. W. Fields was divorced from his first wife. Immediately after being divorced from his first wife he married the sister of Lottie Bluejacket, and subsequent to that marriage the said Elsie Headley was born to Lottie Bluejacket then Lottie Headley. Elsie Headley has never been enrolled upon any roll of the Cherokee Nation, although she was born prior to the pay roll of 1894, and the Cherokee census roll of 1896 and no application was made for her enrollment under the Act of June 10, 1896.

Upon this testimony the Commissioner to the Five Civilized Tribes adjudged the said Elsie Headley entitled to be enrolled on January 10, 1907.

It is true W. W. Fields' name appears upon the final schedule as a person entitled to be enrolled as a citizen by blood of the Cherokee Nation, but the testimony shows that his name does not appear upon the roll of 1880.

The first case of this kind to be considered by the Department was

that of Allie J. Ross who was originally listed for enrollment on Cherokee R. card 54. Her father was a Cherokee by blood and his name appeared upon the roll of 1880. Her mother was a white woman. Allie J. Ross' name appeared upon the census roll of 1896 and had always been recognized by her father as his child. Construing Section 21 of the Act of June 28, 1898, which provides that the commission to the five Civilized Tribes is directed to take the roll of 1880 "and to enroll all persons now living whose names are found on said roll and all descendants born since the date of said roll to persons whose names are found thereon," the department on November 22, 1902 (I.T.D. 3039-5043-1902), held under that provision that inasmuch as the father of Allie J. Ross, namely, David Ross' name appeared upon the roll of 1880, that the said Allie J. Ross should be enrolled. But in this case the name of the alleged father of Elsie Headley does not appear upon the roll of 1880, nor does the name of Elsie Headley appear upon any roll made of the citizens of the Cherokee Nation, nor does she bear her alleged father's name.

Again, Section 667 of the Cherokee laws (Compilation of 1892) provides:

"No marriage shall be contracted whilst either of the parties has a husband or wife living."

And the testimony in this case shows that the alleged father, W. W. Fields, had a wife living at the time Lottie Bluejacket, the mother of Elsie Headley, claims she became pregnant, but the said W. W. Fields had not at that time been divorced.

Reference is also made to Section 692 of the Compiled Laws of the Cherokee Nation which, after reciting what marriages are prohibited, provides for legitimatising children in the following language:

"Provided, also, that when a man having by a woman one or more children shall afterwards intermarry with said woman such child or children if recognized by him are proven to be his, shall thereby be legitimatized."

Now the testimony shows that W. W. Fields had had an illigitimate child by the sister of Lottie Bluejacket, and that she was pregnant by

him at the time he married her, but perhaps under said Section 692 these children by the sister of Lottie Bluejacket were legitimatized, but Lottie Bluejacket knew at the time she had illicit intercourse with the said W. W. Fields that he was not free to contract a marriage, nor was a marriage ever subsequently consummated and we think, therefore, that the child was not legitimatized and that, therefore, the said Elsie Headley is not entitled to be enrolled.

The Cherokee Nation contends, therefore:

First. That this case is distinguished from the Allie J. Ross case in that the alleged father of Elsie Headley, namely, W. W. Fields' name does not appear upon the roll of 1880.

Second. The name of Elsie Headley does not appear upon any roll and is, therefore, not entitled under the Act of May 31, 1900.

Third. The child was not legitimatized as provided in Section 692 of the Compiled Laws of the Cherokee Nation.

Fourth. That under the laws of the Cherokee Nation, Section 687, Lottie Bluejacket and W. W. Fields were not free to contract a marital relation when she became pregnant for the reason that at that time W. W. Fields had a wife living from whom he was not divorced.

Fifth. This case develops an exceptionally low state of morals and our contention is that little or no weight should be given to the testimony of these people, and that there should be no presumptions in their favor, particularly in view of the fact that no attempt was made to enroll the said Elsie Headley for the payment in 1894, nor was there any attempt to enroll her upon the census roll of 1896.

For the reasons hereinabove assigned, we object to the enrollment of the said Elsie Headley.

Respectfully submitted,

Signed W. W. Hastings

Attorney for the Cherokee Nation.

Service accepted this___day of January, 1907.

Attorney for Applicant.

COPY

Land.
95723-1905.

JFA

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

December 5, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit letter of Charles H. Merillat, of this City, of November 28, requesting that the Commissioner to the Five Civilized Tribes be directed to forward all papers in the matter of the application for the enrollment of Elsie Headley as a citizen by blood of the Cherokee Nation.

Mr. Merillat is asking that she be enrolled as a Cherokee citizen and believes the Commissioner has erred in refusing to consider her case on the ground that it was barred by the statute. He submits a statement of the facts and his grounds for requesting this action.

I recommend that the Commissioner be instructed to forward all papers in the case mentioned, with his views on the law.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KBH-WDW

D. C. 86372-1905.
I.T.D.16708-1905.

Y.P.
FHM.

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

December 15, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed a petition relative to the claim of Elsie Headley, for enrollment as a citizen of the Cherokee Nation by blood, and in accordance with the suggestions of the Indian Office in letter of December 5, 1905 (Land 97723), it is requested that you report in the matter with recommendation.

A copy of the Indian Office letter is inclosed.

Transmit any papers relative to the case found in your office.

Respectfully,

(Signed) Thos Ryan
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

2 inclosures.

(C O P Y) -Copy-

Refer in reply to the following.

Land.
2390 - 1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. January 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commissioner to the Five Civilized Tribes, of the 6th instant, wherein he acknowledges the receipt of Departmental letter of December 15 (I.T.D.16708-1905), enclosing a petition relative to the claim of Elsie Headley for enrollment as a citizen by blood of the Cherokee Nation, and requesting a report in the matter, with recommendation in accordance with the suggestions of this Office in letter of December 5, 1905, a copy of which was also enclosed. He was also instructed to forward any papers found in his office relative to the case.

He quotes the Office, in submitting the petition to the Department with its letter of December 5, as saying that the attorney "believes the Commissioner erred in refusing to consider her case on the ground that it was barred by the statute,"and recommending that the Commissioner be instructed to forward all papers in the case mentioned, with his views of the law.

Replying, Mr. Bixby says that on July 26, 1905, Lottie Bluejacket appeared before the Commission to the Five Civilized Tribes and attempted to make application for the enrollment of

her minor child, Elsie Headley, as a citizen by blood of the Cherokee Nation; that Lottie Bluejacket testified that she is a white woman, a non-citizen of the Cherokee Nation, and that Elsie Headley is her illegitimate child by W. W. Fields, a Cherokee by blood, and that no formal application was ever made prior to that date for the enrollment as a citizen of the Cherokee Nation of her child; but the records of his office fail to show that application in any form was made for her enrollment prior to June 26, 1905. The record in the matter of this attmepted application is enclosed.

The Commissioner says that the question presented in the case of Elsie Headley is one of jurisdiction, as to whether or not he has authority under the law to receive applications for enrollment as citizen s of the Cherokee Nation of persons for whom no application was made prior to October 31, 1902.

He refers to the fact that the Department, on June 24, 1905 (I.T.D.7488-1905), forwarded to him a copy of an approved opinion of the Assistant Attorney General for the Interior Department, dated June 19, 1905, on the question of jurisdiction raised in the case of George Tinney, for his guidance in investigating and de termining the rights to enrollment as citizens of the Cherokee Nation of persons for whom no application was made prior to October 31, 1902; and in his letter of September 19, 1905, he discussed at length the question of the jurisdiction as devined in the opinion of the Assistant Attorney General, which opinion seems to him to be in harmony with the views expressed by this Office in its letter to the Department

of May 13, 1905, in the case of George Tinney, and he recommended that the Department reconsider its approval of the opinion of the Assistant Attorney General of June 19, in accordance with the views expressed in his letter of September 19, and that he be instructed that in no case he shall be authroized to undertake the consideration of the right to enrollment as a citizen of the Cherokee Nation of any person whose application for enrollment was not presented prior to the 31st day of October 1902.

He further says that as he expressed his views of the law with referance to the acceptance of applications for enrollment as citizens of the Cherokee Nation, in his letter of September 19, it is not considered necessary to go into that question again at this time, as the question presented in the case of Elsie Headley is fully covered in that letter, and he recommends that the case of Elsie Headley be returned to him to be adjudicated in accordance with the decision of the Department on the question of jurisdiction as raised in the George Tinney case.

I concur in the recommendation of the Commissioner.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y.

D.C.15052-1906

J.P.

DEPARTMENT OF THE INTERIOR,

I.T.D.928-1906. WASHINGTON. FHE

April 26, 1906.

LRS

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the request contained in your letter of January 6, 1906, relative to the petition for the enrollment of Elsie Headley as a citizen of the Cherokee Nation, said petition is returned herewith to be considered in the light of the approved opinions of the Assistant Attorney General of June 19, 1905, and April 16, 1906, in the case of George Tinney, copies of which have been sent you.

Should your decision be adverse to the applicant, you will submit the case to the Department for consideration.

A copy of Indian Office letter of January 15, 1906 (Land 2390-06), submitting your report , is inclosed.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

MM 13

Muskogee, Indian Territory, September 6, 1906

Lottie Bluejacket,

Bluejacket, Indian Territory.

Dear Madam:

The records of this office show that you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of your child, Elsie Headley, as a citizen by blood of the Cherokee Nation. You are advised that in order to definitely determine her right to enrollment as a citizen of the Cherokee Nation it will be necessary that further testimony be introduced showing what right, if any, she has to such enrollment.

You are advised that you will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, September 28, 1906, and introduce further testimony in her case.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in said case.

Respectfully,

L M B

Acting Commissioner

MM 13

Muskogee, Indian Territory, September 6, 1906

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Elsie Headley as a citizen by blood of the Cherokee Nation, you are advised that Lottie Bluejacket, mother of said applicant, has this day been notified that she will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, September 28, 1906, and introduce further testimony in her case.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in said case.

Respectfully,

L M B

Acting Commissioner

Cherokee
M M 13

Muskogee, Indian Territory, October 2, 1906.

Charles A. Cook,
Attorney for Elsie Headley,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of testimony taken at Muskogee, Indian Territory, September 28, 1906, in the matter of the application for the enrollment of Elsie Headley as a citizen by blood of the Cherokee Nation.

Respectfully,

Commissioner.

Incl. 61-3.
CHL

Cherokee
8013

Muskogee, Indian Territory, October 2, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of testimony taken at Muskogee, Indian Territory, September 28, 1906, in the matter of the application for the enrollment of Elsie Headley as a citizen by blood of the Cherokee Nation.

Respectfully,

Commissioner.

Incl. CL-4.
GHL

Muskogee, Indian Territory, November 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:-

April 26, 1906 (I.T.D.928-1906), the Department, referring to this office letter of January 6, 1906, relative to a petition for the enrollment as a Cherokee citizen of Elsie Headley, states that the "petition is returned herewith to be considered in the light of the approved opinions of the Assistant Attorney General of June 19, 1905, and April 16, 1906, in the case of George Tinney."

In reply you are respectfully advised that the petition referred to was not received with the Department's letter and it is requested that if the same is in the Department's files it be forwarded to this office for use in adjudicating the case.

This office report of January 6, 1906 was submitted to the Department with Indian office letter of January 15, 1906 (Land 2390-1906).

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

JH.

(COPY)

D.C.54398-1906.

DEPARTMENT OF THE INTERIOR, FEB.

WASHINGTON.

I.T.D.928-1906. December 12, 1906.

L.R.S.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of April 26, 1906, relative to the Cherokee enrolment case of Elsie Headley, the petition referred to therein, which was inadvertently omitted in forwarding, is inclosed herewith.

Respectfully,

(Signed) Jesse E. Wilson,
Assistant Secretary.

1 inclosure.

Cherokee
M M 13.

Muskogee, Indian Territory, January 10, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, granting the application for the enrollment of Elsie Headley as a citizen by blood of the Cherokee Nation.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commissioner in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Encl.H.J.#41.
HJG

Commissioner.

Muskogee, Indian Territory, January 24, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Elsie Headley as a citizen by blood of the Cherokee Nation, together with the Commissioner's decision dated January 10, 1907, granting said application.

The Attorney for the Cherokee Nation protests against the Commissioner's action in this case, and his protest is also enclosed, a copy thereof having been served on the attorney for applicant.

There is also enclosed a schedule containing the name of Elsie Headley, No. 32845, and in the event of the approval by the Department of the Commissioner's action enrolling Elsie Headley as a citizen by blood of the Cherokee Nation, the approval of this schedule is recommended.

Respectfully,

Through the Commissioner
of Indian Affairs.
Encl.F59

Commissioner.

Cherokee

W M 13

Muskogee, Indian Territory, January 24, 1907.

Charles A. Cook,

Attorney for Elsie Headley,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes dated January 10, 1907, granting the application for the enrollment of Elsie Headley as a citizen by blood of the Cherokee Nation. A copy of the record of proceedings had in the case has heretofore been furnished you. You are advised that the attorney for the Cherokee Nation protests against the Commissioner's action in this case, a copy of which protest has been served upon you.

The Commissioner's decision, together with the record of proceedings had, and the protest of the Attorney for the Cherokee Nation against the Commissioner's action, in said case, has this day been forwarded the Secretary of the Interior for review and decision. You will be advised of the Secretary's action when this office is informed of the same.

Respectfully,

L M B

Encl. B-60

Commissioner.

Cherokee

WM 13 Muskogee, Indian Territory, January 24, 1907.

Lottie Bluejacket,

Blue Jacket, Indian Territory.

Dear Madam:

There is enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes dated January 10, 1907, granting your application for the enrollment of your child, Elsie Headley as a citizen by blood of the Cherokee Nation. A copy of said decision, together with a copy of the record of proceedings had in the case, has been furnished your attorney.

You are advised that the attorney for the Cherokee Nation protests against the action of the Commissioner in this case, a copy of which protest has also been served upan your attorney.

The Commissioner's decision, together with the record of proceedings had in the case, has been this day forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you when this office is informed of the same.

Respectfully,

Incl.-B 66
L M B

Commissioner.

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

LAND
9659-1907

WASHINGTON.

February 6, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith report of Commissioner Bixby, dated January 24, 1907, forwarding the record of proceedings had in the matter of the application for the enrollment of Elsie Headley, as a citizen by blood of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, granting the application.

There is enclosed a protest of the attorney for the Cherokee Nation against the decision of the Commissioner to the Five Civilized Tribes in this case.

The record shows that Lottie Bluejacket appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on June 26, 1905, and made application for the enrollment of her minor child, Elsie Headley, as a citizen by blood of the Cherokee Nation. The Commission refused to receive or consider the application in accordance with the provisions of Section 30 of the Act of Congress approved July 1, 1902 (32 Stat.L., 716).

Thereafter, the petition on behalf of the applicant having been filed with the Department, the Department, on December 18,

1906 (I.T.D. 16708-1906), transmitted the petition to the office of the Commissioner to the Five Civilized Tribes and requested that all papers relative to the case, with the commissioner's views on the law, be forwarded to the Department; that on January 6, 1906, the Commissioner to the Five Civilized Tribes returned the petition to the Department and requested that the case of Elsie Headley be returned , to be adjudicated in accordance with the decision of the Department on the question of jurisdiction as raised in the case of George Tinney (I.T.D. 13664-1905); and that on April 26, 1906 (I.T.D. 928-1906), the Department granted the request of the Commissioner.

Further proceedings were had in the matter of the application of Elsie Headley at Muskogee, Indian Territory, on September 28,1906.

The evidence shows that the applicant herein was born in the year 1892, as an illegitimate child of Lottie Bluejacket, a non-citizen of the Cherokee Nation, and one William W. Fields, a regularly enrolled citizen by blood of the Cherokee Nation, whose name appears on Cherokee Field Card No. 10222, and is included in a partial roll of citizens of the Cherokee Nation approved by the Department on March 12, 1906, opposite No. 22192, the evidence further shows that the applicant, Elsie Headley, was born in the Cherokee Nation and has continuously resided therein since birth.

Commissioner Bixby reports that the applicant is not identified on any roll of the Cherokee Nation in the possession of his office.

Application for the enrollment of Elsie Headley was made prior to the approval of the Act of April 26, 1906 (34 Stat. L., 137), and her rights to enrollment as a Cherokee citizen are not based on the provisions of that statute.

In accordance with the provisions of Section 21 of the Act of June 28, 1898 (30 Stat. L., 495), the Office concurs in the decision of Commissioner Bixby that Elsie Headley is entitled to enrollment as a citizen by blood of the Cherokee Nation.

There is enclosed a schedule containing the name of Elsie Headley, No. 32643, and in the event of the approval by the Department of the decision of the Commissioner to the Five Civilized Tribes, enrolling Elsie Headley as a citizen by blood of the Cherokee Nation, the approval of this schedule is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

[illegible]- EM

(COPY)

DEPARTMENT OF THE INTERIOR, J. R. W.
Office of the Assistant Attorney General,
WASHINGTON.

I.T.D.
2668-1907.

February 16, 1907.

The Secretary of the Interior.

Sir:

I received by reference of February 12, 1907, the papers in case of Elsie Headley, applicant for enrollment as a citizen by blood of the Cherokee Nation. In connection therewith my attention is directed to section 2 of the act of April 26, 1906 (34 Stat., 137), as amended by act of June 21, 1906 (34 Stat., 325, 342).

The conceded facts are, that applicant is the illegitimate child of Lettie Blusjacket, a white woman, non-citizen of the Cherokee Nation, and William W. Fields, whose enrolment as a Cherokee citizen by blood was approved March 12, 1904. W. W. Fields, while married to another woman, cohabited illicitly with Lettie Blusjacket and her sister, both of whom became pregnant by him. He was afterward divorced and married Lettie's sister, whereby her child became legitimized under Cherokee law, but as he never married applicant's mother, she never was legitimized under Cherokee law. The Nation therefore protests against applicant's enrolment. The Commissioner reports that applicant is identified on no tribal roll in possession of the Commission, but recommends she be enrolled as descendant of her father. The Indian Office recommends approval of such action.

It is shown in departmental decision of November 22, 1902, in case of Allie Ross (I. T. D. 3042, 1902), that descendants includes illegitimate, as well as legitimate, children. It is evident that had Congress intended to exclude the unfortunate illegitimate descendants of Cherokee citizens, it would have clearly so provided, and that in providing without limitation or reserve that descendants of enrolled citizens should be enrolled, illegitimates can not be excluded without importing into the statute words of limitation not used by Congress. The right of either parent, in this case the father, being established, the right of the child follows, of course, when the proof, as in this case, is satisfactory of the descent.

The child Elsie was born in 1892 and has resided in the Cherokee Nation all her life. I concur in the opinions of the Commissioner to the Five Civilized Tribes and the Indian Office that she is entitled to enrollment as a citizen by blood of the Cherokee Nation.

The papers are herewith returned.

Very respectfully,

FRANK L. CAMPBELL,

Assistant Attorney-General.

Approved: February 16, 1907.

E. A. HITCHCOCK,

Secretary.

D.C.10966-1907. (COPY) W.H.M.
J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.8962-1907.
L.R.S.
DIRECT.

February 21, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is enclosed a copy of the opinion of the Assistant Attorney General of February 16, 1907, approved the same day, relative to the Cherokee enrollment case of Elsie Headley.

In accordance with said decision, your decision in favor of the applicant is affirmed.

The partial roll of Cherokee Indians by blood, bearing the name of Elsie Headley opposite number 32643, received with your report of January 29, 1907, has been approved in accordance with your recommendation. Two copies thereof are enclosed for appropriate disposition, and one copy will be transmitted to the Indian Office, with a copy hereof.

A copy of said opinion of the Assistant Attorney-General has also been transmitted to the Indian Office. The papers in the case have also been returned to said office.

A copy of Indian Office letter of February 6, 1907, recommending that your decision in favor of the applicant be affirmed is enclosed.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

4 enclosures, and
4 enclosures to Ind. Of.,
with carbon hereof.

A.F.Mc.
2-23-07

Cherokee
M M 15

COPY

Muskogee, Indian Territory, March 7, 1907.

Lottie Bluejacket,

Bluejacket, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, granting the application for the enrollment of your child Elsie Headley as a citizen by blood of the Cherokee Nation was affirmed by the Secretary of the Interior, February 21, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

You are further advised that the name of your child appears upon a schedule of citizens by blood of the Cherokee Nation approved by the Secretary of the Interior, February 21 1907.

Respectfully,

SIGNED *Tams Bixby*.

Commissioner.

Encl.HJ-71.
HJC

Cherokee
M M 13.

COPY

Muskogee, Indian Territory, march 7, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the five Civilized Tribes, dated January 10, 1907, granting the application for the enrollment of Elsie Headley as a citizen by blood of the Cherokee Nation was affirmed by the Secretary of the Interior, February 21, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

You are further advised that the name of [redacted] child appears upon a schedule of citizens by blood of the Cherokee Nation approved by the Secretary of the Interior, February 21, 1907.

Respectfully,

Encl. HJ-72.
HJB

SIGNED Tams Bixby.
Commissioner.

Cherokee
M M 13.

COPY

Muskogee, Indian Territory, March 22, 1907.

Charles A. Cook,

Attorney for Elsie Headley,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, granting the application for the enrollment of Elsie Headley as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 21, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-84.
HJC

SIGNED Tams Bixby.
Commissioner.

Cher 11006

E. A. Welch

Cancelled and trans. to
IW 251

Cher 11006

CHEROKEE 11006

E. A Welch

Cher 11007

Martha Randolph

Cancelled and trans. to
IW 253

Cher 11007

CHEROKEE 11007

Martha Randolph

Cher 11008
Woods B. Rogers

Trans. from D1108

Cher 11008

CHEROKEE 11008

Woods & Rogers

Cancelled and record Transferred to S. R. No. 2516

Transferred from Cherokee D 1108

Cher 11009
Martha Pheasant

Cancelled and trans. to
IW255

Trans. from D1850

Cher 11009

CHEROKEE 11004

Martha Pheasant

GRANTED

ACTION [illegible] SECRETARY OF INTERIOR

Cancelled and record transferred to P.M. No. 235

Delivered from Church No. 1 1856

Cher 11010
Louisa Mc Alister

Cancelled and transferred
to IW 271

Trans. from D1642

Cher 11010

CHEROKEE 11019

Louisa Mc Alister

Cancelled and record transferred to I. W. No. 271

Transferred from Cherokee No. D. 161 Z.

Cher 11011

Martha A. Reaves

Cancelled and trans. to IW 272

Trans. from D1074

Cher 11011

CHEROKEE 11011

Martha A. Reaves

GRANTED

ACTION APPROVED BY SECRETARY OF INTERIOR

Cancelled and record transferred to I.T. No 272

Transferred from Cherokee No C. 1074.

Cher 11012
May Carroll

Trans. from R805

Cher 11012

59830

4235 | Office, | 1904

Department of the Interior,
RECEIVED.
APR 7 - 1904
Enc. No. 1 of No. 3000
Indian Territory Division.

31150

DEPARTMENT OF THE INTERIOR.
JUL 13 1905
Returned with No. 8196
Inclosure
IND. TER. DIV.

CHEROKEE CASE No. (illegible)

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE

APPLICATION FOR ENROLLMENT

OF

May (illegible)

As (illegible) of the Cherokee Nation

(illegible) 190

Respectfully forwarded to the Secretary of the Interior for review.

Acting Chairman.

$1350

Check. 80—

R
Cher

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 25, 1902.

In the matter of the application of MAY CARROLL, for the enrollment of herself as a citizen by blood of the Cherokee Nation:

MAY CARROLL, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A May Carroll.
Q How old are you ? A Twenty.
Q You make application for enrollment as a Cherokee by blood ?
A Yes sir.
Q How much Cherokee blood do you claim ? A My own grandmother was---I am one-quarter.
Q What is your post office address ? A Fort Smith, Arkansas.
Q Do you apply for anyone beside yourself ? A No sir.
Q What was the name of your father ? A Hugh Carroll.
Q Is he living or dead ? A He is dead.
Q Was he a Cherokee or a white man ? A A Cherokee.
Q What was your mother's name ? A Lucy Carroll.
Q Is she living ? A No sir.
Q Was your mother a Cherokee ? A No sir.

--1896 roll, page 450, # 587, Delaware District, May Carroll.

Q Where were you born ? A I was born on Honey Creek, I don't know just where it is.
Q How long did you continue to reside there after your birth ?
A I was only one year and a half old when my grandfather took the children; when we left Vinita.
Q Where did your grandfather take you ? A Eureka Springs, Arkansas.
Q Have you lived in Arkansas continuously since that time ?
A Up till four years ago.
Q Where have you been since then ? A In Texas a year, and in Los Angeles, California.
Q Have you ever lived in the Indian Territory since you left here?
A No sir.
Q Have you ever drawn any money ? A I think my guardian has every payment of money, and that he got mine when my sister got hers.
Q Are your sisters living at this time ? A Yes sir.
Q Where do they live ? A Mrs. E. J. Barr and Mrs. Nora Morehouse.
Q Where do they live ? A Mrs Barr lives in Neal, Missouri, and Mrs. Morehouse at Albia, I. T.
Q Who drew your money for you ? A That is something I can't answer. Mr. Simpson Martin has it now.
Q You have a sister named Nora ? A Yes sir. I don't know whether my sister got it or he got it. I haven't gotten it.

--1896 roll, page 426, # 1796, May Carroll, Delaware District;

Q How long have you been residing in Fort Smith, Arkansas ?
A I have been there since last Sunday.
Q You came from California there ? A Yes sir.
Q Are you living in California or Fort Smith ?
A I don't know where my home will be; I went there on a visit and stayed four years.
Q Since you left here after your birth you have never resided in the Cherokee Nation, nor the Indian Territory ? A No sir.

May Carroll applied for the enrollment of herself as a Cherokee by blood. She is not identified upon the roll of 1896; she is identified upon the census roll of 1896, and the Cherokee Strip Payment roll of 1894.

It appears from the testimony in this case that the applicant was born in the Delaware District, Cherokee Nation, but left the Cherokee Nation immediately after her birth, and has not resided in the Cherokee Nation nor the Indian Territory since that time.

For the reason that no satisfactory proof is made as to residence, as prescribed by law, final judgment in her case will be suspended, and her name placed upon a doubtful card.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Ed Bagwell.

Subscribed and sworn to before me this June 30, 1902.

Notary Public.

Cherokee D 1356

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of May Carroll as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

--oOo--

The record in this case shows that on June 25, 1902, May Carroll appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Cherokee Nation.

The evidence shows that May Carroll was twenty years old at the date of the application herein. She is identified on the 1894 Pay roll and the 1896 Census roll of the Cherokee Nation.

The evidence shows that the said May Carroll has not resided in the Cherokee Nation or Indian Territory since she was one and a half years old.

Section twen ty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship: "

It is, therefore, the opinion of this Commission that the application for the enrollment of May Carroll as a citizen by blood of the Cherokee Nation, should be denied, under the provisions of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this NOV 20 1902

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date June 25, 1900. 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name May Carrie, Ivy Smith Ark.

District Delaware Year 1896 Page 456 No. 5811,

Citizen by blood Yes Mother's citizenship Lucy Carrie-d-c-, Lucy Carrie-d-W.,

Intermarried citizen No

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
Dewitt Carrie	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Dewitt Carrie

Dewitt Carrie was born in 1901 with no May Carrie

BCJ

Cherokee R-805

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., August 19, 1903.

In the matter of the application of May Barr, nee Carrell, for the enrollment of herself as a citizen by blood of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

Applicant present in person
Cherokee Nation represented by J.C.Starr.

MAY BARR, being duly sworn an examined, testified as follows:

By the Commission:

Q What is your name? A May Barr.
Q How old are you? A 21.
Q What is your postoffice address? A Pineville, Missouri.
Q Are you an applicant for enrollment by this Commission as a citizen by blood of the Cherokee Nation? A Yes sir.
Q Under what name did you apply for enrollment?
A Why, Carrell last year when I was at Muskogee; I wasn't married then.
Q Have you married since your enrollment? A Yes sir.
Q When were you married? A The 26th of January. (1903)
Q Of this year? A Yes sir.
Q What is your husband's name? A Floyd Barr.
Q He is not a citizen of the Cherokee Nation, is he?
A No sir.
Q You and your husband living together now? A Yes sir.

Commission: The records of the Commission show that the applicant has heretofore applied to be enrolled as a citizen of the Cherokee Nation, under the name of May Carrell; that a decision was rendered by the Commission denying her right to enrollment, which action of the Commission was, on January 16, 1903, approved by the Secretary of the Interior; that on June 3, 1903, the Secretary of the Interior reopened the application and remanded the same to the Commission for the taking of further testimony.

Q Mrs. Barr, where were you born? A On Honey Creek in the Territory.
Q In the Cherokee Nation? A Yes sir.
Q How long since you lived in the Cherokee Nation? A ~~Mr~~ About a year and a half old.
Q You left here when you were about a year and a half old?
A Yes sir; grandpa took us away.
Q Your parents living then? A No sir.

Q Where did you go? A Went to Eureka Springs, Arkansas.
Q When did you return to the nation? A Why, I wasn't back there any more until last summer in June.
Q Have you ever come back to the Cherokee Nation to live?
A I always said I would make it my home.
Q You have never been back in the Cherokee Nation to live then since you were a year and a half old? A No sir.
Q During your minority, did you have a guardian? A Yes sir.
Q What was his name? A Simpson Melton.
Q Did he continue to act as your guardian until you were of age?
A Yes sir.
Q Was he appointed by the Cherokee Courts? A I think so, but I don't know just how he come to be my guardian.
Q Have you ever owned any property in the Cherokee Nation?
(Witness presents paper.)
Q You present here a bill of sale signed by A. C. Hampton and dated March8, 1883, conveying to Hugh Carroll a home on Cowskin Prairie. Hugh Carroll was your father, was he?
A Yes sir.
Q Did you own this property when you left the Cherokee Nation?
A Yes sir.
Q What ever became of it? Do you still own it?
A Well, Mr. Melton sold it several years ago.
Q Mr. Melton is your guardian? A Yes sir.
Q When did he sell it? A I don't know.just when he sold it; I was small when it was done.
Q Do you know what was done with the proceeds of that sale?
A No. I believe it was only three hundred dollars he said he got for it and then he gave that to us three girls he said; but I never knew when he sold it nor anything about it.
Q Since this place on Cowskin Prairie was sold, have you owned any property in the Cherokee Nation? A Why, my sister gave me some of her allotment; she gave me this paper to show it was my own.
(Witness presents another paper.)
Q When did she give it to you? A This month, she gave me the paper the first of August.
Q She gave it to you in August, 1903? A Yes sir.
Q Between the time your guardian sold this place on Cowskin Prairie and the time when your sister gave you a part of her allotment, did you own any property in the Cherokee Nation? A None only papa's place there and he owned a place in town besides that, but I haven't got a bill of sale for that.
Q You mean town lots? A Yes sir, and Mr. Melton sold that.
Q He sold the town lots and the country place? A Yes sir, he sold both of them.
Q Do you know what year he sold this property? A The one in town?
Q Both pieces? A No sir, I don't know just when it was done.
Q About how many years ago? A Well, I think I must have been about 9 years old when they spoke to me about selling the place, as well as I remember, but I don't know which one it was, although afterward I knew that both of them had been sold.
Q So from the time you were 9 years old until your sister gave you this place, you owned no property here? A No sir; he sold the property before any of us were 18; it was really ours by right up to that time.
Q Mrs. Barr, who were you living with as a child? A My grandfather, John Carroll.

Q Where does he live? A Eureka Springs.
Q Arkansas? A Yes sir.
Q Why was it you never returned to the Cherokee Nation?
A Why, he took us there, gave us his home and he was practicing law at that time and he had a family and he couldn't leave, couldn't come out here to live; he kept us with him; he was the nearest relative we had.
Q You had no relatives living in the Cherokee Nation?
A Some distant cousins.
Q No near relatives? A No sir.
Q Was your grandfather guardian for you in the State of Arkansas?
A Yes sir.
Q You had two guardians, one in Arkansas and one in the Cherokee Nation? A Well, I guess you would call him out guardian; he took care of us all the time; Mr. Melton took care of our money, that's all he did do.
Q Was your grandfather appointed by the Courts? A I don't think he was; he wasn't that I ever knew of; I was never told that he was.
Q Your understanding is that he merely had the custody of your and your sisters because he was your grandfather? A Yes sir.
Q What are your sisters' names? A Mrs. Nora Moorhouse.
Q What is your other sister's name? A Mrs. Tottie Barr.
Q Are they both applicants for enrollment by this Commission as citizens of the Cherokee Nation? A Yes sir.
Q I believe you stated on your former examination that your guardian always drew money for you at the payments in the Cherokee Nation; is that correct? A Yes sir.
Q Is there any other statement you wish to make? A The reason I didn't come is that I didn't get my money from him until last year; didn't give it all to me; then I had to bring suit to get that.
Q What you mean to state is that you hadn't the means to come here before; your guardian never accounted to you?
A No sir, he didn't until after I was 20; I was in California at that time.
Q Mrs. Barr, what has always been your intention in regard to returning to the Cherokee Nation and making this your home?
A That is what I have always intended to do.
Q It has always been your expectation to ultimately come back to the Cherokee Nation and make it your home? A Yes sir.

Examined by J. C. Starr:

Q How long did you live in California? A 4 years.
Q Where did you reside before you went there? A I was in Texas one year.
Q How long did you live in Texas? A One year.
Q Where did you live before you went to Texas? A Eureka Springs.
Q Arkansas? A Yes sir.
Q How long did you make your home in Eureka Springs? A Since I was 18 monthsold up to the time I went away 5 years ago.
Q Who have you lived with since you were 18 months old?
A My grandfather, John Carroll.
Q How did John Carroll live at these places at these particular times? A He has always lived in Eureka ever since I can remember; that was his home when he took us away from the Territory; I went to California to go to school; I staid in Texas a year with an aunt there, and then I went up there; grandfather's been dead a year.

Q You have been in Texas and California since your grandfather's death? A Yes sir.
Q When did you return from California? A A year ago this last June.
Q Where did you locate first after you returned from California?
A I went straight to Fort Smith and staid a few months there, then went to Eureka and staid a while there.
Q How long did you stay at Eureka? A About 4 weeks and a half; then I came over in the Territory and staid 2 months.
Q Who did you stay with? A Mrs. Moorhouse.
Q Where does she live? A Albia.
Q Where did you go from there? A To Pineville, Missouri.
Q Well, where have you lived since you went to Pineville?
A I have been there ever since.
A How long have you been married? A 7 months the 26th of this month.
Q Marry a citizen of Missouri? A Yes sir.
Q Wasn't your home Pineville up to this time? A I just staid there until I found ----
Q Keep house there? A Yes sir.
Q What does your husband do in Pineville? A He's a printer, type-setter; works in a printing office.
Q Regular position there? A Not there; that's what he always has done.
Q Do you know whether Simpson Melton was ever appointed your guardian? A No sir, I don't know how he come to be my guardian.
Q As a matter of fact, didn't he take charge of your father's property as administrator? A Well, he sold it; I don't know how he----
Q He took charge of your father's property after his death and sold it afterwards? A Yes sir.
Q And that was the only property you had in the Cherokee Nation, was an interest in this estate? A Yes sir, and the interest.
Q Well, the town estate and the Cowskin Prairie and when that was sold you had no property in the Cherokee Nation? A Not until my sister gave me some.
Q Your sister gave you part of her allotment something like a month or so ago? A Yes sir.

****

Mabel F. Maxwell, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mabel F. Maxwell

Subscribed and sworn to
before me this
20th day of August, 1903.

Samuel Foreman
Notary Public.

KPM

Cherokee D-1350
(R-805).

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of May Barr (formerly Carroll), as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on June 25, 1902, May Carroll, now Barr, appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on August 19, 1903. The record further shows that on November 20, 1902, the Commission rendered its decision denying said application and forwarded the same to the Department of the Interior, which decision was approved by the Department on January 12, 1903. Thereafter on June 3, 1903, the Department rescinded its former action in the matter of said application and remanded the case to the Commission for r eadjudication.

The evidence shows that May Barr, formerly Carroll, was twenty years of age at the date of this application; that she was born in the Cherokee Nation and resided therein until she was about one and one half years of age at which time, her parents being dead, her grandfather removed her to the State of Arkansas where she remained until 1898, at which time she removed to Texas, later to California and thereafter returned to Arkansas, where she was living at the date of her original application herein. Thereafter she married one Floyd Barr and continued to live with him and reside, and was a resident of the State of Arkansas, at the date of her final appearance before the Commission on August 19, 1903.

The evidence further shows that the applicant is identified on the Cherokee strip payment roll of 1894 and the Cherokee census roll of 1896. It further appears that at the time of her father's death he owned improvements in the Cherokee Nation which were thereafter sold by the applicant's guardian, she being at that time about nine years of age, since which time she has not owned any effects or improvements in said Nation and has never established a residence therein. From an examination of the Cherokee authenticated roll of 1880 in the possession of the Commission, it is further found that neither the applicant nor her parents are identified thereon.

Paragraph nine, section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is, therefore, the opinion of this Commission that the application for the enrollment of May Barr as a citizen by blood of the Cherokee Nation should be denied, in accordance with the provisions of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this JAN 6 1900

Cherokee K 805

In re application of May Carroll for enrollment as a citizen by blood of the Cherokee Nation.

--:--

D E C I S I O N .

The facts, as established by the evidence in this case, are as follows:

May Carroll, applicant herein, is a Cherokee by blood, was born on Honey Creek, Cherokee Nation, during the year 1882, and continuously resided in said Nation until she was about eighteen months old, when, her parents (citizens by blood of the Cherokee Nation), having died, she was taken by her grandfather to the state of Arkansas, and remained in his custody until she was about fifteen years old. At the age of fifteen she went to Texas, and lived with an aunt in that state one year, when, for the purpose of attending

school, she removed to California, and resided in said last named state four years. In 1902, she returned to Arkansas, and on June 25 of that year, filed with the Commission her application for enrollment as a citizen by blood of the Cherokee Nation.

At the time applicant herein was taken from the Cherokee Nation she was entitled to a distributive share of her deceased father's estate. During applicant's absence from the Cherokee Nation her share of the estate was disposed of by the administrator, and no accounting thereof made to her until after she was twenty years old, when she brought suit against said administrator and obtained a settlement. Said applicant is identified upon the Cherokee strip payment roll of 1894, and Cherokee census roll of 1896.

It is further shown that,prior to her marriage at least, which occured January 26, 1903, the applicant herein claimed to be a citizen of the Cherokee Nation, and it is not shown, except by construing her absence from the Cherokee Nation as indicating such an intent, that prior to September 1, 1902, she ever intended to forfeit her Cherokee

citizenship, and it is further shown that her absence from the Cherokee Nation and failure to return thereto and resume her residence therein prior to the last above mentioned date, was due to conditions which practically prevented her from living in said Nation, namely her orphanage, which necessitated [illegible] her home with different relatives, who, the proof shows, lived in the states of Arkansas, Texas and California.

On November 20, 1902, the Commission, citing as authority for its action, paragraph nine, section twenty-one, of the Act of Congress approved June 28, 1898 (30 Stat., 495), denied said applicant the right to enrollment as a citizen by blood of the Cherokee Nation, and its decision was duly affirmed by the Department. Thereafter, on June 3, 1903, said decision was rescinded by the Department, and the case remanded for re-adjudication. On January 6, 1904, the Commission, citing as authority the same paragraph of the Act above referred to, again denied the applicant herein the right to enrollment as a citizen by blood of the Cherokee Nation,and said second decision was duly affirmed by the Department.

It ca not be questioned that at the time applicant herein was taken fro the Cherokee Nation, she was a bona fide citizen thereof. In the case of Joseph D. Wargain et al., the Assistant Attorney-General, in discussing the provisions of paragraph nine of section twenty-one, above referred to, says:

> "It was therefore against those who had never identified themselves with the (Cherokee) Nation, and those who had withdrawn themselves from the Indian people, that this provision of the statute was made."

In view of this ruling of the Department it is evident that to deny the applicant herein the right to enrollment as a citizen by blood of the Cherokee Nation, under the provisions of paragraph nine of section twenty-one of the Curtis Act was error.

The Department has repeatedly ruled that minors taken from the Indian Territory, cannot forfeit their citizenship during their minority. James Hunter et al.,

Cleveland . Patrick, et al., and Cynthia .. Chapman, et al.,

In the case of John K. Ketchum et al (Departmental letter I.T.D. 1080-03), it was held that

> "In the interval between arriving at twenty-one years of age and removing to the Cherokee Nation his (John K. Ketchum's) condition was that of a member of the tribe absent from his people, and in the absence of any convincing testimony showing that he lawfully acquired the rights and accepted the duties of a citizen of another government, it follows that he retained his rights as a Cherokee citizen."

In this case the applicant did not remove to the Cherokee Nation until four or five years after reaching his majority.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date, shall be placed on said roll by the Commission to the Five Civilized Tribes."

The evidence in this case presents only one question for determination, namely--Did the applicant herein forfeit her right to citizenship in the Cherokee Nation prior

to September 1, 1902?--which, under the rulings of the Department above referred to, should be decided in the negative, unless the Cherokee Nation introduces satisfactory evidence tending to show that said applicant did expatriate herself from the Cherokee Nation prior to the last above mentioned date.

In Departmental letter of May 7, 1904 (I.T.D. 3010-04), the Department called attention to the cases of Elizabeth C. Payne and Mary L. and Alice Askins. It is not considered by the Commission, however, that the rulings of the Department in said cases are applicable to the facts in this case, for the following reason, to-wit: Elizabeth C. Payne was born sometime during the '50's, was admitted to citizenship in the Cherokee Nation, November 23, 1888, and never did remove to and in good faith settle in the Nation in which she claimed citizenship. In the Mary L. and Alice Askins cases, it was shown that the applicants, at the time of their appearance before the Commission (August 28, 1902), were aged forty-five and twenty-three years, respectively, were admitted to citizenship in the Cherokee Nation, December 7, 1889, and continuously lived in said Nation for two years

thereafter, when they removed therefrom, and did not return thereto until the summer of 1903. Said two last named applicants were denied enrollment on the theory that they had forfeited their citizenship in the Cherokee Nation under section 11, article I, of the Cherokee Constitution.

In view of the foregoing, I would respectfully recommend that the Department be requested to re-open this case, and remand same for further testimony and readjudication in accordance with present rulings.

A. F. McLean.

Muskogee, Indian Territory,
May 16, 1905.

I agree with the foregoing & will concur in letter to Supt to remand the case & in Decision to above effect - enrolling the applicants - C. R. B. 5/22/05

FILED
AUG 22 1905

Cherokee R--995.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 24, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MAY BARR, nee CARMILL, as a citizen by blood of the Cherokee Nation.

The Attorney for the Cherokee Nation, and the applicant, were notified to appear before this office on this day and introduce any testimony they desired in connection with this application for enrollment, and they appear and announce that they have no further evidence to introduce, therefore the case will be readjudicated on the evidence heretofore introduced.

---oOo---

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 24th day of August, 1905.

Myron White.

Notary Public.

C.7.B.

COPY.

Cherokee R 805

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of May Carroll as a citizen by blood of the Cherokee Nation.

-:-

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on June 25, 1902, May Carroll appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen by blood of the Cherokee Nation; that on November 20, 1902, the Commission to the Five Civilized Tribes rendered its decision denying said application, and that said decision was duly affirmed by the Department on January 12, 1903 (I.T.D. 308-1903). Thereafter, on June 3, 1903 (Departmental letter I.T.D. 308, 4748, 4883-1903), the Department rescinded its former action in the matter of said application and remanded the case for further proceedings and readjudication. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on August 19, 1903. The record further shows that on January 6, 1904, the Commission to the Five Civilized Tribes again denied said applicant the right to enrollment , and that on May 7, 1904 (Departmental letter I.T.D. 3010-1904), said decision was duly affirmed by the Department.

THE RECORD FURTHER SHOWS: That, on June 30, 1905, the Commission to the Five Civilized Tribes requested the Department to reopen and remand said case for readjudication in accordance with present rulings, and that on July 29, 1905 (Departmental letter I.T.D. 6196-1905), said request was granted by the Department. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on August 24, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That May Carroll is a Cherokee by blood; was born in the Cherokee Nation during the year 1882, and continuously resided in said Nation till she was eighteen months old, when, her parents having died, she was taken by her grandfather to the state of Arkansas, and remained in his custody till she was fifteen years old; that at the age of fifteen she went to Texas, and lived with an aunt in that state for one year, when for the purpose of attending school, she removed to California, and resided in said last named state four years, when she returned to Arkansas, where she resided at the date of this application.

The evidence further shows that the applicant is identified on the Cherokee Strip payment roll of 1894, and the Cherokee Census roll of 1896; that during her absence from the Cherokee Nation, up to and including September 1, 1902, it was never the intention of said applicant to abandon her Cherokee citizenship; that her father, at the time of his death, owned improvements in the Cherokee Nation, which were afterwards sold by the administrator of his estate, and no accounting made to said applicant until 1903, when she obtained a settlement.

FINDINGS OF FACT AND CONCLUSION: In view of the foregoing it is considered that, following the ruling of the Department in the case of John R. Kutchum, et al.(I.T.D. 1000-1903), May Carroll did not expatriate herself from the Cherokee Nation prior to September 1, 1902.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), May Carroll is entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,
this JUL 31 1906

Cherokee R 805.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of May Barr, nee Carroll, as a citizen of the Cherokee Nation.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commissioner to the Five Civilized Tribes dated July 31, 1906, finding that the applicant is entitled to be enrolled as a citizen by blood of the Cherokee Nation, and asks that all of the record in this case be forwarded to the Secretary of the Interior for review.

The testimony in the case shows that the applicant is now some 24 years of age; was born in the year 1882; and that she has never resided in the Cherokee nation since she was about 15 months olf, but upon the other hand, the evidence shows that she has resided with her grandfather in the State of Arkansas continuously until about five years ago, when she went to Texas and from Texas to California, where she remained for a period of four years; thence back to the State of Arkansas, where she is at present residing and is now married.

The testimony shows that she has no property in the Cherokee Nation, and never had, except she claimed an heir's part in her father's estate which was sold a number of years ago and at the present time and for a number of years back has no property interest whatever in the Cherokee Nation.

The Assistant Attorney General on December 28, 1905 (13218-1906) in an opinion rendered as of that date holds:

"While minors are excepted from operation of the act of the Cherokee National Council of December 4, 1894, no such exception in their favor has been made by any act of Congress. The Act of June 28, 1898, among other things provides that 'no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.' This provision is in the nature of both a limitation and a condition precedent to the right claimed and is similar in purpose and effect to the limitation considered by this office in an opinion of June 8, 1901, in the cases of Nancy M. Smith and Lettie B. Adams. As nothing existed in the legislation of Congress exempting minors or insane persons from its operation the limitation was held to operate upon them. The provision now under consideration is entirely analogous: It was held

operative against adults by my opinions of December 20, 1903, and case of Allie Williams and of March 12, 1904, in the case of Mary L. Strickland, and as to minors that is the necessary implication and effect of my opinion of June 15, 1905, in the case of Alice L. Owen."

The testimony in this case shows that since 1884 the applicant has been a non-resident and never personally owned any property whatever in the Cherokee Nation. It is true her father at one time, up to eight or ten years ago, it is claimed, owned improvements upon the public domain, but this was sold, as she states, a number of years ago, but she states that until recently no final settlement was made with the administrator of the estate. Certainly this does not preserve her right in the Cherokee Nation, because the administrator was negligent in winding up the estate. Practically this same question was passed upon in the Alice L. Owen case by the Attorney General June 19, 1906 (11004-1906). In that case it was claimed on behalf of Alice L. Owen that she was born in the Cherokee Nation of Cherokee parents. The same is claimed for the applicant, May Barr, nee Carroll. Alice L. Owen left the Cherokee Nation when she was a minor, was ~~xxxx~~ married in the States and to her was born some children; in 1880 or 1881 she was readmitted to citizenship in the Cherokee Nation, and in 1882 the father of the present applicant was admitted to citizenship in the Cherokee Nation. The present applicant left the Cherokee Nation when she was 15 months of age, and on June 28, 1898, neither Alice L. Owen, nor the present applicant, were residents of the Cherokee Nation. It was claimed for Alice L. Owen that her mother left an estate in the Cherokee Nation; the same was claimed for the applicant; it was shown that the estate of Alice L. Owen was wound up and closed and the same was shown of the present applicant; both were married in the States and both when the last testimony was taken were residing in the States, Alice L. Owen in Virginia and the present applicant in Arkansas. To our mind the cases are exactly similar. We protested against the enrollment of Alice L. Owen, believing that she was not entitled under the law, and we now desire to most earnestly protest against the enrollment of this applicant because we do not believe that she is entitled to be enrolled under the law.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee D-1315

Muskogee, Indian Territory, July 16, 1902.

D. H. Wilson,
Attorney for May Carroll,
Vinita, Indian Territory,

Dear Sir:

As requested in your letter of July 12, there is enclosed you herewith copy of the testimony taken in the matter of the application of May Carroll for enrollment as a citizen of the Cherokee Nation. Please sign and return to the Commission the enclosed receipt for testimony.

Yours truly,

Commissioner in Charge.

Encl. B-128.

COPY.

Cherokee D-1350.

Muskogee, Indian Territory, November 24, 1902.

May Carrell,

Ft. Smith, Arkansas.

Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Acting Chairman.

Enc. N-99.
Register.

COPY.

Cherokee D-1360.

Muskogee, Indian Territory, November 24, 1902.

Mr. D. H. Wilson,
Attorney for May Carroll,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of May Carroll for the enrollment of herself as a citizen by blood of the Cherokee Nation. There has heretofore been furnished you a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully

Tams Bixby.

Acting Chairman.

Enc. H-100.
Register.

COPY.

Cherokee D-1380.

Muskogee, Indian Territory, November 24, 1902.

Mr. W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated November 20, 1902, rejecting the application of May Carroll for the enrollment of herself as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby
Acting Chairman.

Enc. H-101.

COPY.

Cherokee D-1560.

Muskogee, Indian Territory, November 24, 1902

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of May Carroll for the enrollment of herself as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated November 20, 1902, rejecting said application.

Respectfully,

Tamsworthy

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Enc. M-102.

(COPY)

Refer in reply to the following:
Land
70811-1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 12, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated November 24, 1902, forwarding for the Department's consideration, the record relative to the application of May Carroll for enrollment as a citizen by blood of the Cherokee Nation. November 20, 1902, the Commission held that the applicant was not entitled to enrollment.

The attorney for the applicant Mr. D. H. Wilson filed a brief and argument. The evidence shows that the applicant was 20 years of age at the date of her application; that she was born in the Cherokee Nation; that when she was about 1 1/2 years of age her grandfather took her to Eureka Springs, Arkansas; that she continued to reside there until 1896; that since 1896 she has resided in Texas a year and also in California; that she never lived in the Indian Territory since she was about one and one-half years of age; that her name appears on the 1896 census roll and the 1894 strip payment roll.

The Curtis Act provides that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the

nation in which he claims citizenship." The applicant not having made permanent residence in the Cherokee Nation on or before June 28, 1898 is not entitled to enrollment, and the approval of the Commission's decision adverse to her is recommended.

Very respectfully,

W. A. Jones,
Commissioner.

G.A.W. (E)

C O P Y.

LHS JP FHE

DEPARTMENT OF THE INTERIOR.

ITL. 308-1903. WASHINGTON. January 16, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 12, 1903, the Commissioner of Indian Affairs submitted the case involving the application of May Carroll for enrollment as a citizen of the Cherokee Nation (D 1350), transmitted with your letter of November 24, 1902.

It appears, as found in your decision of November 20, 1902, that the applicant was 20 years of age at the date of her application for enrollment. Her name appears on the 1894 Cherokee pay roll and the 1896 census roll. She has not, however, resided in the Indian Territory since she was 1 1/2 years old.

Referring to that portion of section 21 of the act of June 28, 1898 (30 Stat., 495), which provides that

> "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship,"

you rejected the application.

The Commissioner of Indian Affairs recommends that your decision be concurred in.

Argument was filed by the applicant's attorney . Similar arguments have been filed in various cases, wherein you rejected

applications in view of said provision of the act of June 28, 1898. The Department has, however, in these cases affirmed your decisions.

Your decision is hereby affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

(signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

COPY

Cherokee D-1350.

Muskogee, Indian Territory, January 29, 1903.

Mary Carroll,

Fort Smith, Arkansas.

Dear Madam:-

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting your application for the enrollment of yourself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior January 16, 1903.

Respectfully,

Tams Bixby.
Acting Chairman.

COPY.

Cherokee D-1350

Muskogee, Indian Territory, January 29, 1903.

D. M. Wilson,

Attorney for May Carroll,

Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated November 20, 1902, rejecting the application of May Carroll for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior January 16, 1903.

Respectfully,

Tams Bixby.

Acting Chairman.

COPY.

Cherokee D-1350

Muskogee, Indian Territory, January 29, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated November 26, 1902, rejecting the application of May Carroll for the enrollment of herself as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior January 16, 1903.

Respectfully,

Tams Bixby.

Acting Chairman.

Chen R. 805-

Department of the Interior,
RECEIVED.
JUN 1 - 1903
Enc. No. 6 of No. 44742
Indian Territory Division.

Refer in reply to the following:
Land.
3877-1903.
32,631-1903.

(Copy)

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 28,1903.

The Honorable

The Secretary of the Interior.

Sir:

In accordance with the directions contained in Department letter of May 23, 1903, I.T.D. 308 and 4883-1903, there is enclosed, herewith, the record relative to the application of Mary Carroll for enrollment as a citizen of the Cherokee Nation.

Very respectfully,

A.C.Tonner,
Acting Commissioner.

(C.A.W.)
P.

D.C.16735.

DEPARTMENT OF THE INTERIOR. J.P.
FHE.

I T.D. 308-1903. Washington.
4742- "
4883- "

June 3, 1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On January 16, 1903, the Department affirmed your decision rejecting the application of Mary Carroll for enrollment as a citizen of the Cherokee Nation (D 1350), as she was not residing in said Nation on June 28, 1898, and as the act of that date (30 Stat., 495), provides that

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It appears that the applicant at the time the testimony was taken, was 20 years of age; that her name is on the 1894 Cherokee pay roll and the 1896 roll. She has not resided in the Indian Territory since she was one and one-half years of age.

The testimony in this case was taken and your decision and that of the Department were rendered under a different understanding of the ninth paragraph of section 21 of the act of June 28, 1898 above referred to, from that expressed by the Department in the case of Clement G. Clarke, of March 17, 1903, and the opinion of the

Assistant Attorney General of March 16, 1905, in the Yeargain case. The case is therefore remanded for further proceedings and re-adjudication in the light of said opinion and decisions.

The testimony and papers attached thereto are herewith inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee R. 805

Tahlequah, Indian Territory, July 22, 1903.

May Carroll,

Ft Smith, Arkansas.

Dear Madam:

You are hereby notified that on June 5, 1903, the Secretary of the Interior remanded for the taking of further testimony your application for enrollment as a citizen by blood of the Cherokee Nation.

Evidence is particularly required as to what property you ever owned in the Cherokee Nation.

You are advised that any further testimony you may have to introduce may be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before August 21, 1903. When you appear, please present this letter.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MH

Cherokee M.805

Tahlequah, Indian Territory, July 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby notified that on June 3, 1903, the Secretary of the Interior remanded for the taking of further testimony the application of May Carroll for enrollment as a citizen by blood of the Cherokee Nation, Cherokee M. 805, (D.1350).

Evidence is particularly required as to what property the applicant ever owned in the Cherokee Nation during her absence therefrom. She has this day been notified that any further testimony she may desire to introduce may be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before August 21, 1903.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

LH

Cherokee R.805

Tahlequah, Indian Territory, July 22, 1903.

D. H. Wilson,

Attorney for May Carroll,

Vinita, Indian Territory.

Dear Sir:

You are hereby notified that on June 3, 1903, the Secretary of the Interior remanded for the taking of further testimony the application of May Carroll for enrollment as a citizen by blood of the Cherokee Nation, Cherokee R.805, (D.1350).

May Carroll has this day been notified that any further testimony she may have to introduce can be presented before the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before August 21, 1903.

Respectfully,

MH

Commissioner in Charge
Cherokee Land Office.

INDEXED.

No.	
23827 1903	

Cherokee 8085

Cherokee Land Office,
Tahlequah, I. T.,
August 31, 1903.

Transmits, for decision, original jacket and record in matter of application of May Carroll. Calls attention to applications for enrollment of her sisters.

CLERK

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-805

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, August 31, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith the original jacket and record in the matter of the application of May Carroll for enrollment as a citizen by blood of the Cherokee Nation, Cherokee R-805. A part of the record in this case is testimony taken August 19, 1903. The record now appears to be complete and is transmitted that a decision may be prepared.

In this connection I respectfully call your attention to the fact that two sisters of May Carroll, referred to in her testimony, Tottie Barr and Nora Morehouse, are also applicants for enrollment as citizens of the Cherokee Nation.

Tottie Barr is listed upon straight card 75 and the original jacket and record in her case was forwarded to the office at Muskogee on March 21, 1903.

Nora Morehouse et al., were originally listed upon Cherokee card D-424. Her application for enrollment was granted by the Commission and the action of the Commission was, on February 10, 1903, approved by the Secretary of the Interior, and she and her children have been transferred to straight card 1001.

Respectfully,

MFM
Enc. M-57

H. J. Cook
Clerk in Charge
Cherokee Land Office.

Cher P 805 INDEXED

COMPLETE FILE INDEXED
INC. 28298
1903 0 141

Cherokee Land Office,
Tahlequah, I. T.,
Oct. 13, 1903.

States that parents of May Barr, Hugh and Lucy Carr are not identified on 1880 authenticated roll of Cherokee citizens.

CHIEF LAW CLERK.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, October 13, 1903.

Commission to the Five Civilized Tribes,

(Cherokee Division),

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of October 7, asking to be informed if the parents of May Barr, formerly May Carroll, who is an applicant for enrollment as a citizen of the Cherokee Nation in Cherokee case R-805, are identified upon the 1880 authenticated roll.

In reply, I have the honor to state that the 1880 authenticated roll of citizens of the Cherokee Nation has been examined and the parents of May Barr, Hugh and Lucy Carroll, are not identified thereon.

Respectfully,

Bruce C. Jones
Assistant Chief Clerk
Cherokee Land Office.

MFM

Cher. D-2765.

Tahlequah, Indian Territory, November 4, 1903.

May Carrol,

Pineville, Missouri.

Dear Madam:-

Application has been made to this Commission for your enrollment as a citizen of the Cherokee Nation, your name appearing on the Cherokee census roll of 1896.

You are advised that before any further action can be taken upon this application it will be necessary for you to appear before the Commission at its offices in Tahlequah, Indian Territory, on or before January 1, 1904, and submit evidence relative to your right to be enrolled as a citizen of the Cherokee Nation.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

JOC.

Tahlequah, Indian Territory, January 9, 1904.

Commission to the Five Civilized Tribes,

Cherokee Division,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith for attention letter under date of December 22, from Clarence A. Brandenburg in regard to a motion to reopen the application of May Carroll for enrollment as a citizen of the Cherokee Nation.

The records of this office show that this case was reopened and remanded by the Department on June 3, 1903; that testimony was taken in this office on August 19, 1903, and on August 31, the record was forwarded to the office at Muskogee.

I request that Mr. Brandenburg be advised as to the present status of this case.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MYM

Enc. M-183

4235	Indian Office, Incl. No. /	1904

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

190

SUBJECT.

No. of inclosures

Department of the Interior,
RECEIVED.
APR 7 1904
Enc. No. 2 of No. 3210
Indian Territory Division.

DEPARTMENT OF THE INTERIOR.
JUL 13 1905
Returned with No. 8196
Inclosure 2 IND. TER. DIV.

53830

May 9

TAMS B. KENT
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. F. STANLEY

ALLISON C. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee R 806
(D 1350)

Muskogee, Indian Territory, January 14, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of June 3, 1903 (I.T.D. 308--4742--4883--1903), there is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of May Barr as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision dated January 6, 1904, rejecting said application.

Respectfully,

Chairman.

Encl. V-35

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee R 805
(D 1360)

Muskogee, Indian Territory, January 14, 1904.

May Barr,

Pineville, Missouri.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 6, 1904, rejecting the application for your enrollment as a citizen by blood of the Cherokee Nation. There has heretofore been furnished your attorney, D. H. Wilson, Vinita, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplemental proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Encl. V-32
Register.

COPY.

Cherokee R 308
(D1380)

Muskogee, Indian Territory, January 14, 1904.

D. H. Wilson,

Attorney for May Barr,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of supplemental proceedings in the matter of the application for the enrollment of May Barr as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision dated January 6, 1904, rejecting said application.

The decision, with the record of proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Encl. V-33
Register.

Chairman.

Cherokee R 806
(D 1350)

Muskogee, Indian Territory, January 14, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the five Civilized Tribes, dated January 6, 1904, rejecting the application for the enrollment of May Barr as a citizen by blood of the Cherokee Nation.

The decision, with the record of proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Encl. 1-34

Chairman.

Department of the Interior,
RECEIVED.
APR 7 - 1904
Enc. No. 3 of No. 7210
Indian Territory Division.

DEPARTMENT OF THE INTERIOR.
JUL 13 1905
Returned with No. 8196
Inclosure 3 IND. TER. DIV.

69830

Cherokee R 308
(D 1380)

Muskogee, Indian Territory, January 14, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of June 3, 1903 (I.T.D. 308--4742--4883--1903), there is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of May Barr as a citizen by blood of the Cherokee nation, together with a copy of the Commission's decision dated January 6, 1904, rejecting said application.

Respectfully,

Tams Bixby.

Chairman.

Encl. V-35

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee R 308
(D1380)

Muskogee, Indian Territory, January 14, 1904.

Clarence E. Brandenburg,
Kendall Building, 344 D Street N. W.,
Washington, D. C.

Dear Sir:

The Commission is in receipt of your letter of December 22, 1903, stating that some time ago you filed with the Department a motion for readjudication of the application of May Carrel (now Barr) for enrollment as a Cherokee citizen, and asking to be advised as to what disposition has been made of the case.

In reply you are advised that the Commission's decision dated January 6, 1904, rejecting this applicant has this day been transmitted to the Secretary of the Interior for approval.

Respectfully,

Tams Bixby.

Chairman.

,Refer in reply to the following:

LAND
2435-1904

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,

Copy WASHINGTON. April 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of June 3, 1903,(I.T.D. 308, 4742, 4883) there is enclosed herewith report from the Commission to the Five Civilized Tribes, dated January 14, 1904, forwarding the record in the matter of the application of May Barr for enrollment as a citizen by blood of the Cherokee Nation.

January 6, 1904, the Commission held that this applicant was not entitled to enrollment as a citizen by blood of the Cherokee Nation. The evidence shows that May Barr was 20 years of age at the time of her application made January 25, 1902; that she was born in the Cherokee Nation and resided there until she was about one and one-half years of age, when her parents died and her grandfather removed her to the State of Arkansas where she resided until 1898 and removed to Texas. She afterwards removed to California, and then returned to Arkansas where she was living at the time she made application. She was married to Floyd

Bar and resided in the State of Arkansas at the time of her final appearance before the Commission August 19, 1903. Ther record also shows that the applicant is identified on the stipend payment roll of 1894 and the Census roll of 1896. Her father at his death owned improvements in the Cherokee Nation, which were afterwards sold by her guardian . She was about nine years of age at the time these improvements were sold and she has not owned any effects in the Cherokee Nation since the improvements above mentioned were sold. She is a native Cherokee, was born within the limits of the Nation, and though she has not resided therein since she was about one and one-half years old, the record does not show that she has become a citizen of any other jurisdiction.

In the Commission's decision it is stated that neither of her parents are identified on the 1880 roll and they hold that under paragraph 9 of Section 21 of the Curtis Act, she was not entitled to enrollment. She was a citizen of the Cherokee Nation in her infancy and there is nothing in the record which shows that she lost this citizenship. Her citizenship could only be lost by removal

from the Nation, removal of her effects and becoming a citizen elsewhere.

In view of the Department's decision in the Yeargain case, the Clement G. Clarke and Martha Hill cases, it seems to the office that the applicant is entitled to enrollment, and it is therefore recommended that the decision of the Commission be not approved, and the Commission be directed to enroll her as a citizen by blood of the Cherokee Nation.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

GAW-WDW

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 3010-1904.
L R S

FHE

May 7, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 14, 1904, you submitted the papers in the case of involving the application of Mary Barr for enrollment as a citizen by blood of the Cherokee Nation, having rendered your decision January [illegible], 1904, holding that the applicant was not entitled to enrollment.

It appears, as stated in your decision, that Mary Barr, formerly Carroll, was 20 years of age at the date of her application in this case; that she was born in the Cherokee Nation and resided there until she was about one and one-half years of age, at which time, her parents being dead, her grandfather removed with her to Arkansas, where she remained until 1886, at which time she removed to Texas, later to California, and then returned to Arkansas, where she was living at the time of the application; that thereafter she married Floyd Barr, and was living with him, in Arkansas, at the time of her final appearance before your Commission on August 17, 1903. Her name appears upon the 1894

Cherokee strip payment roll and the Cherokee census roll of 1896.

It appears that at the time of her father's death he owned improvements in the Cherokee Nation, which were afterwards sold by the applicant's guardian, she being at that time about nine years of age; that since that time she has not owned any effects or improvements in said nation, and has never established a residence therein.

Submitting the matter April 6, 1904, the Acting Commissioner of Indian Affairs states that as the applicant was a citizen of the Cherokee Nation in her infancy, "and there is nothing in the record which shows that she lost this citizenship", he recommends that your decision be reversed, and that you be directed to enroll the applicant.

In accordance with the decision of the Department of March 17, 1903, in the case of Elizabeth C. Payne (see also your decision in the case of Mary L.and Alice Askins, which was approved by the Department April 16, 1904), the Department finds the applicant not entitled to enrollment, and your decision is accordingly hereby affirmed.

A copy of the Acting Commissioner's communication is inclosed.

Respectfully,

Thos Ryan
Acting Secretary.

1 inclosure.

Cherokee R-806.

Muskogee, Indian Territory, May 16, 1904.

May Barr,

Pineville, Missouri.

Dear Madam:

You are hereby advised that the Commission's decision dated January 6, 1904, rejecting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on May 7, 1904.

Respectfully,

Chairman.

Cherokee R-805.

Muskogee, Indian Territory, May 16, 1904.

D. H. Wilson,

Attorney for May Barr,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 6, 1904, rejecting the application for the enrollment of May Barr as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on May 7, 1904.

Respectfully,

Chairman.

Cherokee R-806.

Muskogee, Indian Territory, May 16, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 6, 1904, rejecting the application for the enrollment of May Barr as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on May 7, 1904.

Respectfully,

Chairman.

COPY.

Cherokee
R-805.

Muskogee, Indian Territory, October 8, 1904.

May Barr,

Vinita, Indian Territory.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of June 28, 1904, stating that James M. Tittle, of Vinita, Indian Territory, is representing you as attorney and you ask that he be furnished with a copy of the record in the matter of your application for enrollment as a citizen by blood of the Cherokee Nation.

In reply you are advised that the Commission's records fail to disclose that James M. Tittle has ever been admitted to practice before this Commission, and until he has been so admitted, the Commission cannot recognize him as your attorney in this matter.

In this connection you are advised that the Commission addressed a letter similar to this one to you at Vinita, Indian Territory, on July 13, 1904, and that this of-

fice has recently been advised by the postmaster at that place that he had returned said letter to the Commission, but same cannot be found among its records.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Pineville, Mo. Oct. 20th 1904.

Mr. Riley Melton,
Tahlequah, I.T.

Dear Sir:-

I have been advised by my sister-in-law Mrs. Dottie Barr, to write to you in regard to my wife's claim for citizenship in the Cherokee Nation, she tells me that she had a talk with Mr. C.C. Starr, in your presence and that she believes that there is yet some chance for May. And Dottie wants May to accompany her when she comes to Tahlequah and make another effort.

Do you believe that there can be any thing done for May and what would you advise? I have almost become disheartened myself I have been out so much and as yet we have been unable to accomplish any thing. Any information or advice that you may be kind enough to give me will be greatly appreciated and held strictly confidential.

I am working in the Circuit Clerk's and Recorder's office here and if at any time I may be able to return the favor in the way of giving you any information in record to matters in this county I shall certainly be glad of the opportunity.

Thanking you in advance for an early reply and asking you to candidly give me your opinion whether it be favorable or unfavorable,

I am very truly,

Loyd Barr

COMMISSIONERS:
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BROCKUNIER.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-805

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 26, 1904.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

In accordance with the request contained in your letter of October 22, there are herewith inclosed the original jacket and the record in the matter of the application for the enrollment as a citizen by blood of the Cherokee Nation, of May Carroll, now May Barr, Cherokee case No. R-805.

Respectfully,

Chairman

Encl. B-33

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, January 4, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Enclosed please find a letter of October 20, 1904, from Hugo Starr of Pineville, Missouri, addressed to Wiley Melton of this place, relating to the enrollment of May Carroll as a citizen of the Cherokee Nation. I send you also the papers in this case, May Carroll, Cherokee 8-806. These papers you sent me some time ago in response to my request for an opportunity to reexamine the case.

I find that this case has been abundantly considered, having been apparently denied twice by the Commission and both actions having received the approval of the Secretary of the Interior.

I am inclined to think it is probable that we have made a mistake and that the case, in one or two essential parts, is not analogous to the cases which have been cited in the action of the Commission and of the Department. If this be true, we ought to take steps to have the case ever again reopened, but of course it needs careful examination before such action is taken.

I request that you have the whole matter carefully looked into by our law department and a report made to us as far as may be

INDEXED



Cherokee Land Office,
Tahlequah, I. T.,
Jan. 4, 1904.

Returns record in Cherokee case
of May Carroll, for recon-
sideration.

necessary on the case.

I have not freshly consulted the analogous cases cited, but from a reasoned, distinct recollection of the points involved in them I find in notes made by me, after a recent examination of the present case, the following:

It seems probable that this case has been put off under a misapprehension.

1st. The decision states that neither the applicant or her deceased parents are on the roll of 1-90.

The applicant was not born in 1-90.

The parents must have had a good status, as applicant's two sisters are duly enrolled.

2nd. Applicant goes out on the ground of non-residence or removal [illegible] property.

She was born here.

She was enrolled at 1-1/2 years of age and was taken [illegible] Territory with [illegible].

[illegible] by the guardian after applicant was [illegible] years old. She acquired no property after that, [illegible] was [illegible] old when the Curtis law was passed.

She was duly enrolled in 1898 and 1899.

The question is: Is whether at that age and under [illegible] forfeited the fact of fine residence in the Cherokee Nation that she held prior to the passage of the Curtis Act.

This point has apparently not been considered in the action we have heretofore taken.

She married since 1898. Her husband is a working printer. While she has acquired no property since 1898, yet has she lost her property rights?

If it turns up on her status in 1898, she clearly had not lost her rights down to that time. Has she done anything since to forfeit the rights she then possessed?

These remarks may assist in an examination of the case.

Respectfully,

C. R. Breckinridge

Commissioner.

WZ
Enc. E-169.

INDEXED.

COMMISSION TO FIVE TRIBES.

No.	Received	Book	Page
10957 1905	MAR - 9 1905		

Cherokee Land Office,
Tahlequah, I.T.,
March 7, 1905.

Asks status of application for enrollment of May Carroll.

CHEROKEE ENROL

COMMISSIONERS.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Tahlequah, Indian Territory, March 7, 1905.

Commission to the Five Civilized Tribes,

(Cherokee Enrollment Division),

Muskogee, Indian Territory.

Gentlemen:

Sometime since, at the request of W. J. Welton, Commissioner Breckinridge wrote the Central Office in regard to an enrollment case, May Carroll, requesting that the record in the case be reviewed in the light of decisions in applications by her two sisters, with a view to determining the advisability of requesting authority to reopen this case. Neither this office, nor Mr. Welton, has been advised what action was taken upon the letter of Commissioner Breckinridge above referred to.

Mr. Welton now makes personal inquiry about the matter and I respectfully request to be advised of the present status of this application for enrollment, in order that I may answer his inquiry.

Respectfully,

Bruce C. Jones
Chief Clerk
Cherokee Land Office.

MSJ

Muskogee, Indian Territory, June 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

In reference to the application for enrollment as a citizen by blood of the Cherokee Nation of May Carroll, Cherokee R 805: On November 20, 1902, the Commission, citing as authority for its action, paragraph IX, section XXI, of the Act of Congress approved June 28, 1898 (30 Stat., 495), denied the applicant, May Carroll, the right to enrollment as a citizen by blood of the Cherokee Nation, and its decision was duly affirmed by the Department, by letter of January 16, 1903 (I.T.D. 308-03). Thereafter, on June 3, 1903, said decision was rescinded by the Department, and the case remanded for readjudication. On January 8, 1904, the Commission, citing as authority the same paragraph of the Act above referred to, again denied the applicant herein the right to enrollment as a citizen by blood of the Cherokee Nation, and said second decision was duly affirmed by the Department, by letter of May 7, 1904 (I.T.D. 3010-04).

The evidence in this case shows that the said May Carroll is a Cherokee by blood, was born in the Cherokee Nation during the year 1893, and continuously resided in said Nation until she was about eighteen months old, when, her parents having died, she was taken by her grandfather to the state of Arkansas, and remained in his custody until she was about fifteen years old. At the age of fifteen she went to Texas and lived with an aunt in that state for one year, when, for the purpose of attending school, she removed to California, and resided in said last named state four years. In 1902 she returned to Arkansas, and on June 25, of that year, filed with the Commission her application for enrollment as a citizen by blood of the Cherokee Nation.

The evidence further shows that the applicant is identified on the Cherokee Strip payment roll of 1894 and the Cherokee Census roll of 1896; that at the time of her father's death he owned improvements in the Cherokee Nation which were afterwards sold by the administrator of the estate, and no accounting made to said applicant until she was about twenty years of age, when she brought suit against said administrator and obtained a settlement.

In the case of Joseph D. Yeargain, et al., the

Assistant Attorney-General in discussing the provisions of paragraph nine of section twenty-one above referred to, says:

> "It is therefore against those who had never identified themselves with the (Cherokee) Nation, and those who had withdrawn themselves from the Indian people, that this provision of the statute was made."

In view of this ruling of the Department it is evident that to deny said applicant the right to enrollment as a citizen by blood of the Cherokee Nation under the provisions of paragraph IX of section XXI, of the Curtis Act, was error.

The Department has repeatedly ruled that minors taken from the Indian Territory, cannot forfeit their citizenship during their minority. James Hunter et al., Cleveland M. Patrick et al., and Cynthia E. Chapman et al.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date, shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is considered by the Commission that but one

question is presented in this case for determination, namely: Did the applicant herein forfeit her Cherokee citizenship prior to September 1, 1902?

In the case of John R. Ketchum et al. (Departmental letter I. T. D. 1080-03), it was held that

> "In the interval between arriving at twenty-one years of age and removing to the Cherokee Nation, his (John R. Ketchum's) condition was that of a member of the tribe absent from his people, and in the absence of any convincing testimony showing that he lawfully acquired the rights and accepted the duties of a citizen of another government, it follows that he retained his rights as a Cherokee citizen."

In this case the applicant did not remove to the Cherokee Nation until four or five years after reaching his majority.

In Departmental letter of March 7, 1904 (I.T.D. 3010-1904), the Department called attention to the cases of Elizabeth C. Payne and Mary L. and Alice Askins. It is not considered by the Commission, however, that the rulings of the Department in these cases are applicable to the facts in this case, for the following reasons, to-wit: Elizabeth C. Payne was born sometime during the '30's, was admitted to citizenship in the Cherokee Nation, November 22, 1886, and never did remove to and in good faith settle in the Nation in which she claimed citizenship. In the Mary L. and

Alice Askins cases, it is shown that the applicants at the time of their appearance before the Commission (August 26, 1902) were aged forty-five and twenty-three years, respectively, were admitted to citizenship in the Cherokee Nation December 7, 1889, and continuously lived in said Nation for two years thereafter, when they removed therefrom, and did not return thereto until subsequent to September 1, 1902. Said two last named applicants were denied enrollment on the theory that they had forfeited their citizenship in the Cherokee Nation, under section II, article I, of the Cherokee Constitution.

In view of the foregoing, it is considered by this Commission that the applicant, May Carroll, was, on September 1, 1902, entitled to enrollment as a citizen by blood of the Cherokee Nation, unless the Cherokee Nation can produce satisfactory evidence tending to show that said applicant expatriated herself from the Cherokee Nation prior to the date last above mentioned.

It is, therefore, respectfully requested by the

Commission that this case be reopened and remanded for readjudication in accordance with present rulings.

Very respectfully,

Chairman

Commissioner

Commissioner

Department of the Interior.
RECEIVED.
JUL 13 1905
Enc. No. 1 of No. 8196
Indian Territory Division.

59830

REFER IN REPLY TO THE FOLLOWING:

Land.
31150-1904.
50932-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. July 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of May 7, 1904 (I.T.D. 3010-1904) I have the honor to enclose a communication from the Commission to the Five Civilized Tribes, dated June 30, 1905, requesting that the application for enrollment as a citizen by blood of the Cherokee Nation of May Carroll now Mary Barr be reopened and remanded for readjudication under the present rulings of the Department.

The evidence in the record shows that the applicant is a citizen by blood of, and was born in the Cherokee Nation and is identified on the Cherokee Strip payment roll of 1894 and the Cherokee Census roll of 1896; that she resided in the Cherokee Nation until the death of her parents when she was taken by her grandfather to the State of Arkansas remaining in his custody until about fifteen when she went to Texas and California and returned to Arkansas in 1902; that at the time of her father's death he owned property in the Cherokee Nation which was subsequently sold by the administrator and no accounting made until sued by the applicant about 1902.

In view of the record I recommend that the Commission's request be granted and the case returned for readjudication.

The record is also enclosed.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M. M. M.
W.

(C O P Y)

W C F
LLB

D. C. 37401-1905
K .T.D. 8196-1905

Y .P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

July 29, 1905

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory .

Sir:

On January 16, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes of November 20, 1902, rejecting the application of May Carroll for enrollment as a citizen by blood of the Cherokee Nation, under paragraph 9 of section 21 of the act of Congress approved June 28, 1898.

On June 3, 1903, said decision was rescinded and the case remanded for readjudication.

On January 6, 1904, the Commission again denied the applicant the right to enrollment , and on May 7, 1904, its decision was affirmed by the department.

With the Commission's letter of June 30, 1905, it was requested that the case be reopened and remanded for readjudication in accordance with present rulings of the Department, it being the Commission's opinion that under the present rulings the applicant was entitled on September 1, 1902, to enrollment, unless the Cherokee Nation can produce satisfactory evidence to show that said applicant expatriated herself from the Cherokee Nation prior to said date.

The Department rescinds its action of May 7, 1904, and the case is herewith returned to be readjudicated.

Respectfully,

(Signed) THOS RYAN
Acting Secretary

8 inclosures

4 inclosures
C.M.

Cherokee
R 805
D 1350

COPY.

Muskogee, Indian Territory, August 10, 1905

D. H. Wilson,

Attorney for May Barr,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of May Barr, nee Carroll, as a citizen by blood of the Cherokee Nation, you are hereby advised that this office is in receipt of Departmental letter of July 29, 1905 (I.T.D. 8196-1905), wherein the decision of the Department of May 7, 1904, affirming the decision of the Commission to the Five Civilized Tribes dated January 6, 1904, rejecting said application, is rescinded, and the case remanded for readjudication.

May Barr has, therefore, this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, August 24, 1905, and introduce such testimony as she may desire tending to prove her right to enrollment as a citizen of the Cherokee Nation, at which

time the Cherokee Nation will also be permitted to appear and introduce any testimony it may desire in this case.

There is inclosed herewith, for your information, a copy of the Departmental letter above referred to.

Respectfully,

COMMR Lloyd O Bell

Acting Commissioner

LMB

Incl. B-42

Cherokee
R 805
D 1350

COPY.

Muskogee, Indian Territory, August 11, 1905

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of May Barr, nee Carroll, as a citizen by blood of the Cherokee Nation, you are hereby advised that this office is in receipt of Departmental letter of July 29, 1905 (I.T.D. 8196-1905), wherein the decision of the Department of May 7, 1904, affirming the decision of the Commission to the Five Civilized Tribes dated January 6, 1904, rejecting said application, is rescinded, and the case remanded for readjudication.

May Barr has, therefore, this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, August 24, 1905, and introduce

such testimony as she may desire tending to prove her right to enrollment as a citizen of the Cherokee Nation. The Cherokee Nation will also be permitted to appear on that day and introduce any testimony it may desire in this case.

There is inclosed herewith, for your information, a copy of the Departmental letter above referred to.

Respectfully,

(SIGNED) W^m O Bull

Acting Commissioner

LMB

Incl. B-43

COPY.

Cherokee
N 805
D 1350

Muskogee, Indian Territory, August 11, 1905

May Barr,

Pineville, Missouri.

Dear Madam:

In the matter of your application for enrollment as a citizen by blood of the Cherokee Nation, you are advised that this office is in receipt of Departmental letter of July 29, 1905 (I.T.D. 8196-1905), wherein the decision of the Department of May 7, 1904, affirming the decision of the Commission to the Five Civilized Tribes dated January 6, 1904, rejecting your application, is rescinded, and the case remanded for readjudication.

You are therefore, hereby notified to appear before the offices of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, August 24, 1905, and introduce such testimony as you may desire tending to prove your right to enrollment as a citizen of the Cherokee Nation. The Cherokee Nation will also be permitted to appear on that day and introduce any testimony it may desire in this case.

Respectfully,

SIGNED. Tom D Bell
Acting Commissioner

Cherokee R-805.

Muskogee, Indian Territory, January 20, 1906.

May Barr,

Pineville, Missouri.

Dear Madam:

In reply to your letter of January 17, you are advised that your Cherokee enrollment case is now being considered by this office, and a decision therein will be rendered at the earliest practicable date, of which you will be duly advised.

It is noted that you state in your letter that you are unable to employ any one to represent you, and in this connection you are advised that D. H. Wilson of Vinita, Indian Territory, has heretofore been entered as attorney of record in your case, and you are requested to advise this office by return mail whether or not Mr. Wilson represents you at the present time.

Respectfully,

LS

Commissioner.

COPY

Pineville, Mo., Jan. 23, 1906.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:-

Replying to your letter of January 20, you are advised that Mr. D. H. Wilson, of Vinita, I. T., does not represent me. I paid him a fee of $25.00 to represent me when I first found that my case was contested. He agreed to carry the case through for this amount but afterwards he wanted me to deposit $100.00 in bank payable to him when I secured my enrollment, he stating that he would guarantee that I should receive my allotment for this sum. I refused to put up the extra money and since then I have not heard from him.

Believing that the Commission will do everything that is right in regard to the case I have decided that I do not need an attorney but will submit my claim as it is and depend upon the commission to advise me.

Very respectfully,

(Signed) May Barr

COPY.

Muskogee, Indian Territory, July 31, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for enrollment of May Carroll, now Parr, as a citizen by blood of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes, dated July 31, 1906, granting said application.

On July 29, 1905 (I.T.D. 8196-1905), this case was remanded to this office for readjudication.

Respectfully,

(SIGNED) Tams Bixby
Commissioner.

Encl. M.J.-153.
M.J.C.

Through the

Commissioner of Indian Affairs.

Cherokee R. 805

COPY.

Muskogee, Indian Territory, July 31, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes dated July 31, 1906, granting the application of May Carroll now Barr, for enrollment as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

SIGNED Tams Bixby.

Commissioner.

Encl. M.J.-152.
H.J.C.

Cherokee R. 808

COPY.

Muskogee, Indian Territory, July 31, 1906.

May Barr,

Pineville, Missouri.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 31, 1906, granting your application for enrollment as a citizen by blood of the Cherokee Nation. Your attorney D. H. Wilson, Vinita, Indian Territory, has heretofore been furnished a copy of the record of proceedings had in this case, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed to the same.

Respectfully,

SIGNED) Tams Bixby.
Commissioner.

Encl. M.J.-150/
M.J.C.

Cherokee R 808

Muskogee, Indian Territory, July 31, 1906.

D. H. Wilson,

Attorney for May Carroll now Barr,

Vinita, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 31, 1906, granting the application of Mary Carroll, now Barr, for enrollment as a citizen by blood of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Commissioner.

Encl. H.J.-151.
H.J.C.

Muskogee, Indian Territory, August 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to this office letter of July 31, 1906, transmitting the record of proceedings and decision of the Commissioner in the matter of the application of May Carroll, now Barr, for enrollment as a citizen by blood of the Cherokee Nation, there is transmitted herewith the protest of the Cherokee Nation against the action of the Commissioner in granting the application of said May Carroll, now Barr.

Respectfully,

Encl.M.J.-210.
M.J.C.

Commissioner.

(COPY)

Land.
66210-1906.
70324-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

December 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application of May Carroll for enrollment as a citizen by blood of the Cherokee Nation, wherein the Commissioner rendered a decision on review on July 31, 1906.

Commissioner Bixby outlines the proof in the case as follows: The records of his office show that on June 28, 1902, May Carroll appeared before the Commission to the Five Civilized Tribes at Muskogee, made application for enrollment as a citizen by blood of the Cherokee Nation, and that on November 20, 1902, the Commission rendered a decision denying the application, which action was affirmed by the Department on January 12, 1903, (I.T.D. 308-1903). Thereafter, on June 3, 1903, the Department (I.T.D. 4743-4823-1903), rescinded its former action and remanded the case for further proceedings and readjudication. Further proceedings were had at Muskogee on August 19, 1903, and the Commission, on January 6, 1904, again denied the applicant the right to enrollment, and on May

7, 1904, this decision was affirmed by the Department (I.T.D.3010-1904).

On June 30, 1906, the Commission requested the Department to reopen and remand the case for readjudication in accordance with rulings involving the questions raised in this case, and on July 29, 1906, the request was granted by the Department (I.T.D.8196-1906). Further proceedings in the matter were had at Muskogee, on August 24, 1906.

The Commissioner finds from the record that May Carroll is a Cherokee by blood, born in the Cherokee Nation during the year 1882, and who continually resided therein until she was 18 months old, when, her parents having died, she was taken by her grandfather to the State of Arkansas and remained in his custody until she was 15 years old; that at the age of 15 she went to Texas and lived with an aunt in that State for one year, when, for the purpose of attending school, she removed to California and resided in that State for four years, when she returned to Arkansas where she resided at the date of her application for enrollment; that the evidence further shows that the applicant is identified on the Cherokee strip payment roll of 1894 and the Cherokee census roll of 1896; that during her absence from the Cherokee Nation up to and including September 1, 1902, it was never her intention to abandon her Cherokee citizenship, and that her father, at the time of his death, owned improvements in the Cherokee Nation, which were afterwards sold by the

administrator of his estate and no accounting made to the applicant until 1902 when she obtained a settlement.

In view of the foregoing findings of fact, Mr. Bixby, following the ruling of the Department in the case of John R. Ketchum et al. (I.T.D.1080-1903), determined that May Carrell did not expatriate herself from the Cherokee Nation prior to September 1, 1902, and he ordered and adjudged that under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat. L., 495), May Carrell is entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such was accordingly granted.

On August 10, 1906, the Commissioner forwarded a protest filed by the attorney for the Cherokee Nation against the favorable decision of the Commissioner in this case, on the ground that the testimony in the case shows that the aplicant is now 24 years of age, that she has never resided in the Cherokee Nation since she was about 18 months old, that she has resided in Arkansas, Texas and California and is now married and a resident of the State of Arkansas, that the testimony shows that she has no property in the Cherokee Nation and never had, except that she claimed an heir's part in her father's estate, which was sold a number of years ago, and at the present time and for a number of years past, has had no property interests whatever in the Cherokee Nation.

Mr. Hastings, the attorney for the Cherokee Nation, refers to an opinion of the Assistant Attorney General of December

28, 1905, and to the case of Alice L. Owen, wherein he holds that the applicant herein, having never lived in the Cherokee Nation after her infancy, and having attained her majority several years before the application, and not having returned to the Nation, she is barred for that reason. He expresses the opinion that the ownership of improvements by the estate of her father continuing for some years after her removal from the nation, cannot operate in her behalf.

The record in the case shows that the applicant was born in the nation to recognized and enrolled citizens, and that on the death of her parents she was removed from the nation by relatives and resided with them or was at school during all of the years up to the time of her marriage, and that she has never re-established a residence in the Cherokee Nation. Her father at the time of his death owned improvements in the nation and some years after the death of the father these improvements were sold by the administrator of his estate. The name of the applicant was placed on Cherokee rolls compiled during the years of her absence from the nation and she applied for enrollment within the time prescribed by law.

This case is not analogous to that of Alice L. Owen, because the complication arising in the Owen case grew out of the fact that Alice L. Owen was "readmitted" to citizenship under a Cherokee law which required that she return to the nation within six months after the date of her readmission. I apprehend that if no effort had been made to secure the "readmission" of Alice L. Owen and she had stood on her birth and original enrollment in the nation,

no question would have been raised concerning her present right to participate in the distribution of the lands and funds of the tribe.

The applicant in this case is of Cherokee blood. She was recognized by the tribe as a citizen thereof even during her absences, as is shown by the fact of her enrollment, as set out herein, and her right to enrollment is in my judgement not subject to question at the present time. It is my opinion that the decision of the Commissioner in this case is correct, and I recommend its approval.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

KEE-Y.

Cherokee
R 806

Muskogee, Indian Territory, January 7, 1907

May Barr,

Vinita, Indian Territory,

Dear Madam:

This office is in receipt of your letter of December 12, 1906, in which you ask to be advised if a new hearing has been ordered in your Cherokee enrollment case.

In reply you are advised that the records of this office show that on July 31, 1906, the Commissioner to the Five Civilized Tribes rendered his depision granting your application for enrollment as a citizen by blood of the Cherokee Nation, and on the same date his decision, together with the record of proceedings had, was forwarded to the Secretary of the Interior for his review and decision, where the case is now pending.

You are further advised that on August 10, 1906

May Barr-2

the protest of the Cherokee Nation against the Commissioner's decision, was forwarded to the Department. You will be promptly advised of any action taken in your case.

Respectfully,

L M B

Commissioner

Cherokee
R 806.

Muskogee, Indian Territory, January 7, 1907.

Mrs. May Barr,
Vinita, Indian Territory.

Dear Madam:

This office is in receipt of your letter of December 12, 1906, in which you ask to be advised whether Mr. James Tittle or Mr. Wilson have re-opened your case.

In reply you are referred to a letter from this office, under this date, advising you of the status of your Cherokee enrollment case. You are again advised that your case has not been reopened but is pending before the Department, and that the only motion of any kind which this office has knowledge of is a protest against the decision of the Commissioner granting your application for enrollment, which was filed by the Attorney for the Cherokee Nation on August 10, 1906.

Respectfully,

L M B

Commissioner

Muskogee, Indian Territory, January 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

July 31, 1906, the Commissioner transmitted the record of proceedings had in the matter of the application for the enrollment as a citizen by blood of the Cherokee Nation of May Carroll, now Barr, together with his decision, dated July 31, 1906, granting said application.

There is inclosed a schedule containing the name of this applicant, No. 32859, and in the event of the approval of the Commissioner's decision enrolling said applicant, the approval of this schedule is recommended.

Respectfully,

Incl. 6L-31.
GHL

Commissioner.

Through the Commissioner
of Indian Affairs.

SPECIAL
D.C.11730-1907.

(COPY)

JFJr

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

I.T.D.24820-1906.
L.R.S.
Direct.

February 25, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On December 8, 1906 (Land 70324), the Indian Office transmitted your report dated July 31, 1906, forwarding the record of proceedings had in the matter of the application for the enrollment of May Carroll, now Barr, as a citizen by blood of the Cherokee Nation, together with your decision of the same date, granting said application.

On August 10, 1906, you transmitted a protest of the Cherokee Nation against your decision.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

The Department does not consider that the Alice L. Owen decision applies in this case. It appears that the applicant at the time of her original application was still in her minority. No question arises of applicant's complying with the provisions of a national act of readmission. It is not considered that May Barr, nee Carroll, expatriated herself, and your decision is accordingly affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,
Assistant Secretary.

1 inc. and 4 to Ind. Of.

A.F.Mc.
2-26-07.

Cherokee
R 805.

COPY

Muskogee, Indian Territory, March 4, 1907.

Charles Wilson,

Attorney for May Barr,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated July 31, 1906, granting the application for the enrollment of May Barr, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 25, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-41
LMC

Cherokee
R 805.

COPY

Muskogee, Indian Territory, March 4, 1907.

D. H. Wilson,

Attorney for May Barr,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated, July 31, 1906, granting the application for the enrollment of May Barr, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 25, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED [illegible]

Commissioner.

Encl.C-40
LMC

Cherokee
R 805.

Muskogee, Indian Territory, March 4, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated July 31, 1906, granting the application for the enrollment of May Barr, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 28, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-42
LMC

Cherokee
R 805.

COPY

Muskogee, Indian Territory, March 6, 1907.

May Barr,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated, July 31, 1906, granting your application for enrollment as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, February 28, 1907.

Respectfully,

SIGNED Tams Bixby

Commissioner.

LMC

59830

Department of the Interior,
RECEIVED.
APR 7 - 1904
Enc. No. 1 of No. 3010
Indian Territory Division.

DEPARTMENT OF THE INTERIOR.
JUL 13 1905
Returned with No. 8196
Inclosure 3
IND. TER. DIV.

Cher 11013

Mary Chuculate

Trans. from D3064

Cher 11013

D 3064

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of [illegible], for enrollment as citizens of the Cherokee Nation:

[illegible], being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A [illegible]
Q What is your age? A [illegible]
Q What is your post office address? A [illegible], I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Mary Chuculate #292 Sequoyah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 9, 1902.

B C Jones
Notary Public.

FILED
APR 21 1905
COMMISSION TO FIVE TRIBES.

Cherokee D-3064.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE ENROLLMENT FIELD PARTY.
SALLISAW, I. T., MARCH 31, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARY CHUCULATE as a citizen by blood of the Cherokee Nation.

J. W. CHUCULATE, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A J. W. Chuculate.
Q What is your age? A 37.
Q What is your post office address? A Sallisaw, I. T.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know a woman by the name of Mary Chuculate? A Yes sir.
Q About how old is she? A About 35 years old.
Q Do you know the name of her father? A Rober is all I know.
Q What is the name of her mother? A The same as her father is all I know.
Q Was she born in the Cherokee Nation? A I don't know.
Q How long have you known her? A About 8 or 9 years I guess.
Q Was she lived in the Cherokee Nation ever since then? A Yes sir.
Q What is her present post office address? A Marble City, I. T.
Q Is she a recognized citizen of the Cherokee Nation? A Yes sir.
Q Is she married? A No sir.
Q Was she ever been married? A No sir, I couldn't say that, only she was living with Jack Chuculate. I don't know whether they were married or not.
Q Has she any children? A No sir.
Q Was she living in Sequoyah District in 1896? A I couldn't say that but I think she was.
Q Is she living in Sequoyah at present? A Yes sir.
Q How long has she lived at the same place she is living now? A
A 4 or 5 months as far as I know, she hasn't got any particular home.
Q With what family or families has she been living most of the time since you knew her? A She has been staying around Chuculate's, andover there at Scott's.
Q Has she ever gone by any other name except Mary Robber and Mary Chuculate so far as you know? A No sir, so far as I know she hasn't.
Q Do you know the given names of the heads of the respective families with whom she has stayed since you knew her? A Yes sir I know some of them.
Q State some of them? A Daniel Chuculate and Jennie Chuculate.
Q Any one else? A No sir.
Q You have never known of her living outside of the Cherokee Nation? A No sir.
Q Is she related to you by blood? A No sir.
Q How long hasit been since you saw her or heard from her?
A About two months ago.

Q Was she living at that time? A Yes sir.

The applicant is identified on the 1896 Cherokee Census Roll, Sequoyah District, No. 292, and is listed for enrollment from information on Cherokee D-3064.

---oOo---

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 20th day of April, 1905.

Mary Rose White,

Notary Public.

C.E.B. Cherokee D 3064

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Chu-cu-late as a citizen by blood of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of Mary Chu-cu-late as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Sallisaw, Indian Territory, March 31, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, is a Cherokee by blood, and so far as the evidence shows, has always lived in the Cherokee Nation. Said applicant is duly identified upon the Cherokee census roll of 1896.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Mary Chu-cu-late is entitled to enrollment as a citizen by blood of the Cherokee Nation and her application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 28 1907.

6 T- 3264

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.
RECEIVED
FEB 28 1907

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Chuculate as a citizen by blood of the Cherokee Nation.

Protest of the Cherokee Nation.

The representative of the Cherokee Nation is unwilling to assume the responsibility of consenting to the enrollment of Mary Chuculate upon the testimony submitted herewith, and therefore declines to consent to the enrollment, but protests against the same, because of insufficient testimony.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

6.D.3054

Received April 3, 1905.

Jamison, E.P.,
Sallisaw, I.T.,
Cherokee Nation,
March 31, 1905.

Report of Field Party.

Cherokee Enrollment.

Sallisaw, Indian Territory, March 31, 1905.

Commission to the Five Civilized Tribes,
(Cherokee Enrollment Division),
Muskogee, Indian Territory.

Gentlemen:

Since our last report we have taken testimony in the following cases:

C.D. 2139, Canohie, which shows the applicant to have died prior to September 1, 1902.

C.D. 2880, Mary Weavel, now Mary Eversalts, which evidence tends to show that the applicant may be a duplicate.

D.D. 2187, Willie Mitchel, which shows the applicant to have died prior to September 1, 1902.

C.D. 2199, Tom Russell, which shows the applicant to have died prior to September 1, 1902.

C.D. 2180, Daive Johnson, which shows the applicant to have been on the scout but is now in Jail at Vinita, Indian Territory.

C.D. 2198, Jim Purdue, which shows the applicant to have died prior to September 1, 1902.

C.D. 3064, Mary Chu-cu-late, which shows that this applicant is now living and belongs to that class of citizens who oppose the allotment of lands.

Respectfully,

F. P. Branson.

Muskogee, Indian Territory, February 28, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings had in the matter of the application for the enrollment of Mary Chuculate as a citizen by blood of the Cherokee Nation, together with the decision of the Commissioner, dated February 28, 1907, granting her application.

You are advised the Attorney for the Cherokee Nation protests against her enrollment, and his protest, filed this day, is enclosed.

There is also enclosed a schedule containing the name of Mary Chuculate, and in the event of the approval of the Commissioner's decision in this case, the approval of the schedule is also recommended.

It will be noted that no roll number has been

Secretary=3

given the person whose name appears upon the schedule herewith transmitted. This action is taken in accordance with procedure reported by me to the Department on January 28, 1907, and approved by the Department's telegram of February 9, 1907. It is recommended that a number be placed upon this schedule by Mr. McCarr, the employe of my office now in Washington.

Respectfully ,

Commissioner

Through the Commissioner of
Indian Affairs.

Encl. 2-82
L W B

Cherokee
D 3064

Muskogee, Indian Territory, February 28, 1907

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

There is enclosed a copy of the Commissioner's decision dated February 28, 1907, granting the application for the enrollment of Mary Chuculate as a citizen by blood of the Cherokee Nation.

The record of proceedings had in the case, together with the Commissioner's decision, has been this day forwarded to the Department for review. You will be advised of any further action taken in the case.

Respectfully

Encl. B-10

Commissioner

Cherokee
D 8064

Muskogee, Indian Territory, March 5, 1907

Mary Chuculate,

Sallisaw, Indian Territory.

Dear Madam:

There is enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, granting your application for enrollment as a citizen by blood of the Cherokee Nation. You are advised that the Cherokee Nation protests against your enrollment, a copy of which protest, filed February 28, 1907 is enclosed for your information.

The record of proceedings had in your case, together with the Commissioner's decision and the Nation's protest, has been forwarded to the Department for review. You will be advised of any further action taken in your case.

Respectfully,

Encl. B-9

Commissioner

Cher 11014
Linnie Wofford
Trans. from D1330

Cher 11014

8/1330

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 23 1902

Approved and ordered to be entered of record this 21st day of July, 1902.

Commissioner.

Approved this 21st day of July, 1902.

Secretary.

In the matter of the application of the Muscogee Mercantile Company for the removal of restrictions from the lands of Mary Hutchinson, a full blood Creek freedman.

Now on this day this matter coming on to be heard upon the motion of the Muscogee Mercantile Company to dismiss the petition of Mary Hutchinson, a full blood Creek freedman, for the removal of restrictions from her lands, and it appearing to the Commission that said petition should be dismissed, it is therefore ordered that said petition be and the same is hereby dismissed.

Commissioner.

B.

C.

Department of the Interior.
Commission to the Five Civilized Tribes.
Bucha, I. T., May 31, 1902.

In the matter of the application of CHARLES WOFFORD for the enrollment of himself, wife and two children as citizens by blood of the Cherokee Nation.

BEN O'FIELD, being first duly sworn, and being examined, testified as follows, through sworn interpreter Henry C. Ross:

BY COMMISSION: What is your name? A Ben O'Field.
Q How old are you? A Forty-six.
Q What is your post office address? A Mayesville, Arkansas.
Q What district do you live in? A Delaware.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
Q Are you one of the witnesses before the Commission at this place? A Yes sir.
Q Who do you want to enroll now? A Charles Wofford and his wife and two children?
Q How old is Charles Wofford? A About twenty-eight.
Q What is his post office address? A Cherokee City Arkansas.
Q What district does Charles Wofford live in? A Delaware.
Q What is the name of his wife? A Linnie.
Q How old is she? A About ~~xxxxx~~ twenty-four.
Q What is the name of their eldest child? A Ed Wofford.
Q How old is that child? A About six.
Q What is the name of the next child? A Homer.
Q How old is that child? A About three.
Q This is all the family that Charles Wofford and his wife have? A That is all.
Q What is the name of Charles Wofford's father? A William Wofford.
Q Is he living? A Yes sir.
Q Is he a Cherokee by blood? A Yes sir.
Q What is the name of Charles Wofford's mother? A Ona.
Q Is she living? A Yes sir.
Q Is she a Cherokee by blood? A Yes sir.
Q Is Charles Wofford a full blood Cherokee Indian? A Yes sir.
Q Has he always lived in Delaware District, Cherokee Nation? A Yes sir.
Q Has he always gone by the name of Charles Wofford? A Yes sir.
Q What is the name of Linnie Wofford's father? A I don't know.
Q Is he living? A I suppose so, I don't know.
Q Is he a white man? A Yes sir.
Q What is the name of Linnie Wofford's mother? A I don't know her name.
Q Do you know whether or not she is living? A I don't know.
Q Was she a white woman? A Yes sir.
Q Linnie Wofford has no Cherokee blood? A No sir.
Q Sheis an intermarried citizen? A Yes sir.
Q Is Linnie the mother of these two children for whom you apply? A Yes sir.
Q Chales Wofford is the father of these children? A Yes sir.
Q Do you know whether or not Linnie Wofford was lawfully married to Charles Wofford? A I don't know.
Q When did they first begin living together as husband and wife? A Seven or eight years ago.
Q Sincethat time have they lived togeter continuously in the Cherokee Nation as husband and wife? A Yes sir.
Q Has Charles Wofford always held this woman out to the community as his wife? A Yes sir.

1.

Q Linnie has always held Charles Wofford out to the community as her lawful husband? A Yes sir.
Q Was Charles Wofford ever married before he married this woman Linnie? A No sir.
Q Was Linnie ever married before she married Charles Wofford?
A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicants identified as follows:

Page 341, #3030, Charley Wafford, Delaware District, age 7.

1896 census roll of citizens of the Cherokee Nation examined, and applicants identified as follows:

Page 560, #3662, Charlie Wafford, Delaware District, age 23.

Page 593, Lanie Wafford, Delaware District, age 19,
Inter married white.

Page 560, #3663, Ed Wafford, Delaware District, age 1.

Q You know that Charles Wofford and his wife Linnie and their two children are living now and living in Delaware District, Cherokee Nation? A Yes sir.

MOSE O'FIELD, being first duly sworn, and being examined, testified as follows, through sworn interpreter Henry C. Ross:

BY COMMISSION: What is your name? A Mose O'Field.
Q How old are you? A Forty-three.
Q What is your post office address? A Bucha, I. T.
Q What district do you live in? A Delaware District.
Q You are a citizen by blood of the Cherokee Nation? A Yes sir.
Q You are one of the witnesses before the Commission at this place?
A Yes sir.
Q Do you know Charles Wofford and his wife and children, for whom application for enrollment is now made? A Yes, I know him and his wife and children.
Q What is the name of Charles Wofford's wife? A Linnie.
Q Is she a Cherokee by blood or a white woman? A White woman.
Q When did she first begin living with Charles Wofford as his wife?
A About eight years ago.
Q Since that time has she lived with him continuously in the Cherokee Nation as his wife? A Yes sir.
Q Has Charles Wofford always held this woman out to the community as his lawful wife? A Yes sir.
Q Has Linnie Wofford always recognized Charles Wofford in the community in which they live as her lawful husband? A They lived together as man and wife since they went together.
Q Linnie is the mother of these two childre, Ed and Homer? A Yes
Q Charles Wofford is the father of those two children? A Yes sir.
Q Do you know whether or not ~~Charles~~ Linnie Wofford was married to Charles Wofford by a preacher or by the clerk of the court?
A I don't know.
Q Was Charles Wofford ever married before he married this woman Linnie? A No sir.
Q Was Linnie Wofford ever married before she married Charles Wofford
A No sir.

Charles Wofford will be listed for enrollment upon straight card, and his wife Linnie and their two children, Ed and Homer, will be listed for enrollment upon doubtful card.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 31st day of May, 1902.

M D Green
Notary Public.

D 1330

22

IN RE
THE DEATH OF

[illegible]

a citizen of the

Cherokee Nation

Approved Jan 11 1905

Commissioner.

[illegible]
[illegible] Hoffman

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Harvey Hofford
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near
Cherokee City Ark. (Here insert name of postoffice), ~~Ind.~~ Ter., and died ~~on~~ before the 1st day of
September, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Ezekiel Beck, on oath state that I am 66 years of age and a citizen, by blood, of the Cherokee Nation; that my post office address is Kansas (Here insert name of post office.), Ind. Ter.; that I am an acquaintance (State relationship as: the father; an uncle; a cousin, etc.) of Harvey Hofford (Here insert name of deceased.), who was a citizen, by blood, of the Cherokee Nation; and that said Harvey Hofford (Here insert name of deceased.) died ~~on~~ before the 1st day of September, 1902.

Ezekiel Beck

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 4 day of October 1902.

S. R. Walkingstick
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, John Beck, on oath state that I am 33 years of age, and a citizen, by blood, of the Cherokee Nation; that my post office address is Cherokee City Ark. (Here insert name of post office.), Ind. Ter.; that I was personally acquainted with Harvey Hofford (Here insert name of deceased.), who was a citizen, by blood, of the Cherokee Nation; and that said Harvey Hofford (Here insert name of deceased.) died ~~on~~ before the 1st day of September, 1902.

John Beck

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 4 day of October 1902.

S. R. Walkingstick
Notary Public.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	253	William H. Burrow	967

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550
Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldridge	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleson	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broaddus	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirtthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619
Roxie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Piqrow L. Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C. Peek	4652
Mont C. Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H. Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
LaFayette Breeden	4673
James M. Boling	4676
Francis A. Neilson	4681
John F. Smith	4689
Rufus S. Steward	4691
John I. Haddock	4694
Maggie O. Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Donnie Burgess	5235

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B. Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M. Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha C. Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W. Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R. Greer	5576
Rosa M. Sixkiller	5581
Nancy Inlow	5587
Daisey H. Owen	5599
Annie R. C. Owen	5600
Jesse McKnight	5602
Cicero J. Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612
William A. Polson	5613
Paulina P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W. Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Bucknaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J. Ward	5778
Robert C. Fuller	5781
Henry F. Extine	5796
Ida Wyly	5802
Richard L. Fite	5815
Edward Lutz	5816
John F. Woodworth	5829

Horace H. Huddleston	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehr	5851
Euin M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W. Shelly	5935
John M. Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Mounce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030
George C. Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G. Langley	6038
John T. Ham	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A. Clark	6124
Mary J. Tipton	6126
Leander Newton	6136
William A. Qualls	6138
Henderson B. Thomas	6144
Hugh T. Watkins	6163
Nancy Keys	6172
Berry Hutchins	6186
Eli Parker	6189
Sarah E. Shaw	6194
Julia Keys	6211
Boon J. Grey	6214
John Grubb	6216
William M. Costephens	6230
Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6269
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pyeatt	6300
Isaac A. Wilson	6308
John T. Hall	6310
Edward L. King	6315
Katie Still	6325
Emmer Carlile	6338
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R. Miller	6362
James Brackett	6370
Nora Allen	6371
John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715
James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128
Terry A Parkinson	7146
Cora L. Hanks	7147
Otto J. Zufall	7149
Rufus M. Norman	7155
Mary F Foreman	7158
Alma West	7159
James M. Connally	7161
Francis M. Crowell	7163
Fannie E. McClure	7171
Benjamin B. Graham	7176
Ada Phariss	7180
William L. Whisenhunt	7184
Frances B. Perry	7191
Philip Shultz	7210
Hester A. Miller	7212
Minnie B. Edmonds	7213
Eliza Jordan	7217
William T. Ross	7218
Thomas M. Price	7225
James G. Wilson	7231
Frank Rhomar	7263
John W. Thompson	7267
Melissa Booth	7271
Solon L. Jackson	7273
Henry W. Coughran	7282
Sarah Ross	7291
Mary S. Smith	7322
John A. Martin	7323
Myrtle Robinson	7330
Allen L. Buckner	7331
James L. Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
Kiasay Sapsucker	7378
Sarah J. Johnson	7394
William I. Branan	7409
Wyatte T. Brady	7412
Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D. England	7512
May Cochran	7544
Rebecca Oglesby	7549
Robert B. Collins	7556
Nancy I. Brown	7579
Mary B. Walkingstick	7642
Robert T. Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
William M. Wilson	9444
David O. Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E. Keys	9454
John G. Ainsworth	9456
Mary J. Christy	9460
Malinda Seabolt	9462
Mary Cumpton	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F. Flippin	9471
William Bird	9473
Mollie C. Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B. Clapp	9502
Tennie Sanders	9503
Virgil A. Wiltshire	9505
Joshua K. Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R. Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nasworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Pheney Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Daniel Crail	9770
Mary M. Motte	9771
Lecia E. Herrin	9854
Gailen E. Carrick	9855
Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875
William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W. Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025	Millie A. Carnes	10113
Ida L. White	10026	Lucy E. Robards	10114
Addie B. Miller	10027	Edward H. Fitzgerald	10115
William R. Condry	10028	John T. Pickard	10117
James D. Canary	10029	Charles Rains	10118
John Kelley	10031	Nancy Mayfield	10123
Kate Craig	10033	Anna B. Tittle	10124
John A. Butts	10034	Richard A. Clark	10126
John J. Dameron	10035	Emma B. Martin	10128
William Warner	10036	Walter L. Bates	10129
George A. Allen	10037	Nellie Brewer	10130
Watie Shetley	10038	William Heffernan	10131
John E. Carter	10039	Levi Ackley	10132
John M. Boyd	10043	Bessie Davis	10133
William Fister	10047	Eva Brackett	10135
Darius B. Troth	10049	Caleba Carnes	10136
Harry A. Kelley	10050	Jacksie M. Waybourn	10138
Mary E. Purcell	10051	Minnie Shutt	10139
Myron L. Bronson	10052	Charles L. McClure	10140
George W. Taylor	10053	William W. Russell	10141
Josie Lowther	10054	Delia Jenkins	10142
Fannie D. Perry	10055	John A. Hood	10143
Minnie B. Williams	10056	Oba Maxfield	10145
Solomon Copeland	10058	Mary L. Cloud	10146
Etha B. Wood	10059	Callie Inlow	10147
James Pace	10060	Everett M. Lowrence	10148
Wiley B. McElhaney	10062	Dora E. Hays	10150
Nancy Patrick	10063	Julia M. Schrimsher	10151
James R. Stout	10072	Parmelia E. Lyman	10153
George Parker	10073	Charles F. Trickey	10161
Laura Morton	10074	Louisa J. Palmour	10169
John D. Kelly	10075	George L. Walker	10170
Nettie Swift	10078	Annie Taylor	10171
Maggie Baldridge	10079	Josie Winters Hall	10174
David R. Stubblefield	10080	Alice Nichols	10181
Thomas J. C. Thompson	10081	Lizzie Dry	10182
Cora P. Harlan	10082	Emma Murray	10183
William L. Singleton	10083	Annie Winton	10187
Lester Evans	10084	Marian Evans	10188
Ellen Mayfield	10085	Elizabeth J. McClain	10192
Ella Bray	10087	Eliza J. Price	10199
David J. Matthews	10094	Rissie Still	10200
Thomas Brown	10100	Hannah E. Langley	10201
Houston J. Payne	10103	Alma Keith	10203
Malinda E. Scudder	10104	Flora A. Terrill	10204
Henry Odell	10105	Talesphora A. Paradee	10205
Fred Macy	10107	Samuel Shadix	10206
Mary Russell	10108	Mary E. Childers	10207
Thomas B. Brown	10109	Robert M. Hamilton	10208
Samuel L. Milligan	10111	Julia Billingsles	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oneico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464
Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Elisa Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Haslewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1432
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F. Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D. A. Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A. Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Pricilla Ross	D	2608
Tom W. Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Dixie Conner	D	2698
John Culwell	D	2699

Herbert F. Couch	D	2700	Samuel A. Parkhurst	D	2821
Albert C. Dykes	D	2703	Ellen Rogers	D	2822
Delora Drew	D	2704	Elijah Rolland	D	2827
Frank F. Danderson	D	2705	Endora Steele	D	2828
James Gafford	D	2708	William M. Stucker	D	2829
Anna L. Harlin	D	2715	Sallie Tauuneacie	D	2831
William R. Lipsey	D	2717	Mary Tassle	D	2832
Bertha Landrum	D	2718	John F. Wolf	D	2835
Lila More	D	2722	Ruth A. Ward	D	2840
John D. Mathews	D	2723	Winnie Daugherty	D	2884
Mary McIntosh	D	2725	Mary Guthrie	D	2885
Bertha Nidiffer	D	2730	Lydia Long	D	2886
Richard Nichols	D	2731	Edda Roberts	D	2887
William S. Ross	D	2738	Manda Ward	D	2889
Irene Riley	D	2739	Elmira J. Alberty	D	2905
William H. Rowley	D	2740	Thomas C. Cordray	D	2906
Colombus C. Scroggins	D	2741	Edward Fowler	D	2907
Della Summers	D	2743	Dora Foreman	D	2908
William S. Sage	D	2744	Parker Holt	D	2909
Eliza Thomas	D	2748	John Haston	D	2910
John P. Thurman	D	2749	Georgie Harlin	D	2911
Mary E. Davis	D	2770	Percillia Johnson	D	2913
Jessie Frick	D	2774	Bettie Morton	D	2915
Enna Buffington	D	2788	Samantha Spade	D	2917
Will Black	D	2789	Mariah Ward	D	2918
Maggie E. Davis	D	2792	Ellen Watt	D	2919
Thomas Dotts	D	2793	Nora Morten	D	2920
William Daws	D	2794	Lizzie Anderson	D	2981
Nancy Dawson	D	2796	Francis Duval	D	2984
Lena Fields	D	2797	Wade S. Hayes	D	2987
Effie Grayham	D	2798	James A. Hankins	D	2988
Alice C. Hill	D	2799	Joseph Hardee	D	2991
Bertha H. Harlin	D	2800	Tennie Horn	D	2992
Margrett C. Hudson	D	2801	Eveline Hall	D	2993
Joseph A. Kelley	D	2803	John E. Leftwich	D	2995
Andrew O. Kepler	D	2804	Mattie Henson	D	2994
Josephine King	D	2805	John D. Colvard	D	2998
Sarah Jane Birdsong	D	2806	Charles W. Phillips	D	2999
Marion Maddox	D	2807	Sarah Shanks	D	3000
John A. McKenzie	D	2808	Nettie Young	D	3009
Ione McGee	D	2809	Jerry P. Ables	D	3048
Ollie Miller	D	2810	Almedie Rose	D	3052
William A. Martin	D	2811	John S. J. Fowler	D	3055
Jesse P. Morrow	D	2812	Leaner Hood	D	3056
Oliver Mason	D	2813	James D. Jackson	D	3057
Edna Whitehead	D	2814	Emma G. Nelson	D	3058
Charley Nuckolls	D	2815	Alice Simco	D	3059
Etta M. Nidiffer	D	2817	George O. Wallace	D	3060
Louizer Ossowee	D	2818	Fannie Clay	D	3078
William H. Patterson	D	2820	Ellen Drew	D	3079

Luc Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Leba C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Pharias	D	3171	Stephen Hazlett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....
Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

G.H.L. Cherokee N.B.773.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, I.T., February 27, 1907.

In the matter of the application for the enrollment of Walter Floyd Wofford as a citizen by blood of the Cherokee Nation.

David E. Smallwood being first duly sworn by Frabces R. Lane, a Notary Public for the Western District of Indian Territory, testified as follows:

By the Commissioner:
Q What is your name? A David E. Smallwood.
Q How old are you? A Thirty-nine years.
Q What is your postoffice address? A Rose, I. T.
Q Have you been employed by the Commissioner to the Five Civilized Tribes to secure information relative to minor Cherokee children? A Yes sir.
Q On January 23, 1907, you appeared before this office and gave testimony relative to a Cherokee child named Walter Floyd Wofford, did you? A Yes sir.
Q What is the name of that child's father? A Charley Wofford
Q What is the name of its mother? A Linnie Wofford.
Q What is the name of Charley Wofford's father? A William Wofford.
Q What is the name of his mother? A Onie.
Q Is Charley Wofford a full blood Cherokee Indian? A Yes sir.
Q Is Linnie Wofford a full blood Cherokee? A No sir.
Q Is she a white woman? A Yes sir.
Q She is not a citizen of the Cherokee nation? A No sir.
Q Are Charley Wofford and Linnie Wofford married?
Q I don't know whether they are married or not.
Q Is it your information that they have been living together as husband and wife? A Yes sir.
Q For how long a time? A I couldn't say. They are living on their farm northwest from Cherokee City.
Q Are they recognized in the community as husband and wife?
A Yes sir.
Q Is it your information that they were living together as husband and wife when this child was born? A Yes sir.
Q Did you see this child? A Yes, I saw it.
Q About when? A I couldn't tell you whether I saw the right child or not. I think I saw Robert Wofford instead of Walter Floyd Wofford at that time. These are all William Wofford's grand children. There were three families there at Will Wofford's. There was three sons and their families was there last July, 1906, and I tried to find out their children and they disappeared at once and I couldn't get no information, and I never went back any more.
Q Is it your information that this child, Walter Floyd Wofford was living March 4, 1906? A That was the report that I got from the neighbors last July.
Q When was this child, Walter Floyd Wofford born? A I couldn't say.
Q About how old is this child? A He must have been nearly two years old at that time.

Q Have these people, Charley and Linnie Wofford any other children besides Walter Floyd Wofford? A There was one other little baby born sometime the first week of March, 1906.
Q Is it your information that that child was born too late to be enrolled? A Yes, they was not positive about whether it was after the fourth of March. They couldn't tell me when the child was born so I didn't get the information at all. I thought it was too late to enroll.
Q Have they any children older than Walter Floyd Wofford? A
A Ed and Homer are the oldest.
Q Do you know whether or not Ed and Homer are living?
A Yes, they are living.
Q It is your information that Ed and Homer are living at the present time? A Yes sir.
Q Is Charley Wofford a full blood Cherokee? A Yes sir.
Q Is he opposed to enrollment? A Yes sir.
Q Is his wife also opposed to enrollment? A Yes sir.
Q And they refused to give you information concerning this child? A Yes, they refused.
Q What information you have you secured from the neighbors?
A Yes, I secured the information from Linnie's brother.
Q It is your information that these children Ed and Homer and Walter Floyd Wofford were living the last time you were ever in that country, which was July, 1906? A Yes sir.
Q Is that all the information you have about these people?
A Yes sir

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this February 27, 1907.

Albert L. Rapp

Notary Public.

C.F.B. Cherokee D 1330

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ed and Homer Wofford as citizens by blood of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Eucha, Indian Territory, May 31, 1902, Ben O'Field appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Ed and Homer Wofford as citizens by blood of the Cherokee Nation. The others included in said application have been heretofore disposed of, and their rights to enrollment will not be considered in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, February 27, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein, Ed and Homer Wofford, are minor children of one Charles Wofford, a full blood Cherokee Indian, who is identified on the Cherokee authenticated tribal roll of 1880, Delaware District, No. 3030, and whose name appears upon the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 20592, and one Linnie Wofford, a non citizen white woman. The applicant, Ed Wofford, is identified on the Cherokee census roll of 1896, page 560, No. 3663, Delaware District. The applicant, Homer Wofford, is not identified on any roll of the Cherokee Nation, having been born since the 1896 census roll was made, but is duly identified as a child of the said Charles Wofford by testimony introduced in this case. It is further shown that said applicants were born in the Cherokee Nation, and have continuously resided therein since birth.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Ed Wofford, and Homer Wofford are entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 27 1907.

COPY.

Cherokee D-1330.

Muskogee, Indian Territory, January 11, 1905.

Linnie Wofford,

Cherokee City, Arkansas.

Dear Madam:

In the matter of the application for the enrollment of your two minor children, Ed and Homer Wofford, the Commission has been informed that Homer Wofford has died since the date he was listed for enrollment.

You have previously filed with the Commission an affidavit showing the death of Harvey Wofford, but there is no child listed for enrollment by that name, and it is presumed that the child referred to in said death affidavit is the child listed by the Commission as Homer. If such is the case, you are requested to fill out the inclosed death affidavit and return to the Commission as soon as possible.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-29.

Cherokee
D 1330

Muskogee, Indian Territory, April 21, 1906

Linnie Wofford,

Cherokee City, Arkansas.

Dear Madame:

Application has been made to this office for the enrollment of your two minor children, Ed and Homer Wofford, as citizens by blood of the Cherokee Nation, and you are hereby advised that before the application for their enrollment will be complete it will be necessary for you to introduce further testimony to show the residence of said children on September 1, 1902.

This office is informed that one of your children has died since the date of the application for his enrollment and it will be necessary for you to give information as to the exact date of the death of said child.

You are further advised that you will be permitted to appear before the office of the Commissioner to the Five Civilized Tribes in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, May 3, 1906, and

introduce any testimony you may desire touching the points above mentioned. The Cherokee Nation will also be permitted to appear on that date and introduce any testimony it may desire in said case.

As this matter is important and as no further action can be taken in the matter of the application for the enrollment of your two children as citizens by blood of the Cherokee Nation until this testimony is introduced, you are requested to give it prompt attention.

Respectfully,

Acting Commissioner

XMB
Register

Cherokee
D 1330

Muskogee, Indian Territory, April 21, 1906

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Cherokee Enrollment case of Linnie Wofford, et al., Cherokee D 1330, has been set for further hearing at nine o'clock A. M. on Thursday, May 3, 1906, at which time Linnie Wofford has been directed to appear before this office and introduce testimony showing the residence of her two children, Ed and Homer Wofford, on September 1, 1902.

Respectfully,

LMB

Acting Commissioner

Cher. D 1350

Muskogee, Indian Territory, January 10, 1907.

Linnie Wofford,

Cherokee City, Arkansas.

Dear [redacted]:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn.---D---

Commissioner.

Cherokee D1330

Muskogee, Indian Territory, February 27, 1907.

Charles Wofford,

Cherokee City, Arkansas.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, granting the application for the enrollment of your children Ed and Homer Wofford as citizens by blood of the Cherokee Nation.

You will be advised when the names of your children have been placed upon a schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Encl.A-46
Ed

Cherokee D 1120

Muskogee, Indian Territory, February 27, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, granting the application for the enrollment of Ed and Homer Wofford, as citizens by blood of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.A-76
Ed

Cherokee D 1330

Muskogee, Indian Territory, February 27, 1907.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Ed and Homer Wofford, as citizens by blood of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee D
1330

Muskogee, Indian Territory, March 14, 1907.

Linnie Wofford,

Cherokee City, Arkansas.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

MH

Commissioner.

Cherokee
S et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMS

Cher 11015

John Panther

Trans. from D1378

Cher 11015

Department of the Interior,
Commission to the Five Civilized Tribes,
Peggs, I.T., June 23, 1902

In the matter of the application of John Panther to be enrolled as a citizen by blood of the Cherokee Nation.

Blue Murphy, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A Blue Murphy.
Q How old are you? A 19.
Q What is your postoffice address? A Locust Grove.
Q Have you been enrolled by this Commission as a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Do you know John Panther? A Yes, sir.
Q About how old is he? A He is about 34.
Q Do you think he would be as old as 36? A Yes, sir, I guess so.
Q What is his postoffice address? A Chouteau.
Q What district does he live in? A Saline.
Q Is he married? A No, sir, him and his wife have separated.
Q He is just alone now, is he? A Yes, sir.
Q Is he a full blood Cherokee? A No, sir.
Q What degree of Cherokee blood does he claim? A He told me he was a full blood Creek; he has just been in the Cherokee Nation about ten years.
Q How long have you known him? A About ten years.
Q And according to your understanding, he is a Creek and not a Cherokee, is he? A Yes, sir.
Q Do you know the names of his parents? A I know his mother, they called her Lucy Panther.
Q You don't know his father? A No, sir.
Q Is his mother alive? A She is dead.
Q Was she a Cherokee? A She was a Creek.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and John Panther not identified thereon.

The 1896 census roll of citizens of the Cherokee Nation examined, and John Panther identified thereon, page 1225, No. 2568, Tahlequah District, native Cherokee, 30 years of age.

Q Do you know whether John Panther has ever been enrolled as a Creek or not? A No, sir, but he drew the money at the Creek payments; he said he drew at the Creek payment, he had $35 and he showed it to me.
Q Did he draw the Cherokee payments? A No, sir.
Q I believe you stated that he has lived in the Cherokee Nation about ten years? A Yes, sir.
Q Do you know whether he expects to appear before this Commission for enrollment? A No, sir.
Q Is he opposed to enrollment? A Yes, sir.

Commissioner: John Panther failed to appear before this Commission for enrollment. The testimony develops that there is a serious question as to his Cherokee citizenship. He is identified upon the tribal rolls as indicated in the testimony. This testimony will be forwarded to the Commission at Muskogee, and John Panther will be properly listed.

———o———

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 31st of July, 1902

Notary Public.

Commission

FILED
JUL 23 1902

Acting Chairman

01378

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Peggs 566

Sal. 36

Date June 23, 1902 1900.

Name John Panther Okmulgee, I.T.

District Tah. Year 1896 Page 1225 No. 2567

Citizen by blood Creek Full Mother's citizenship { Lucy Panther Sal. Creek

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Steve B. E. Jones

Doubtful

Listed from information

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 3 1902



ACTING

RESIDENCE: Saline District

POST OFFICE: Chouteau, I. T.

Party No 3

CHEROKEE NATION. CHEROKEE ROLL.

CARD NO.

FIELD NO. 566

Dawes' Roll No.	NAME	Relationship to Person Named	AGE	SEX	BLOOD	TRIBAL ENROLLMENT Year	District	No.	TRIBAL ENROLLMENT OF PARENTS Name of Father	Year	District	Name of Mother	Year	District
1	Panther, Gotlow		36	M	1/4 Creek	1896	Talo.	2568				Lucy Panther	Dead	Creek
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														
15														
16														
17														
18														

Mrs. Bolfuk

Listed from information

June 23, 1902.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 18 1903

COMMISSIONER

Chero. D-1378.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Cherokee, Enrollment Field Party.
Peggs, I. T. August 7, 1905.

In the matter of the application for the enrollment of John Panther as a citizen by blood of the ~~Seminole~~ Cherokee Nation.

POLLY MURPHY, being duly sworn, testified as follows:

Through Simon R. Walkingstick Official Interpreter:

BY COMMISSIONER:

Q What is your name? A Polly Murphy.
Q How old are you? A Thirty-seven or thirty-eight.
Q What is your post office address? A Chouteau.
Q Are you a citizen of the Cherokee Nation? A Yes, sir. I am a full-blood Cherokee.
Q Do you know John Panther? A I couldn't say. I knew Jim Panther who was my former husband.
Q Did he ever go by any other name? A No that I know of.
Q What was his father's name? A His father was named Panther. I don't remember his given name.
Q What was his mother's name? A Lucy Panther.
Q Were his parents Cherokee by blood? A I understand that they were both part Creek and Cherokee.
Q Were they recognized as citizens of the Cherokee Nation? A I would not be sure but I knew them from the time I was small. They lived on Fourteen-mile Creek, in Tahlequah District. They are both dead. His mother died in Tahlequah District.
Q What was your former husband's Cherokee Name? A His Creek Indian name was Kart-char and his Cherokee name is a translation of Panther.

Reference is here made to Cherokee D-2353.

Q Is Jim Panther living? A Yes, sir.
Q About how old is he? A Something over thirty.
Q What is his present post office address? A Chouteau.
Q Has he ever received an allotment in the Cherokee Nation? A No, sir, he is opposed to accepting an allotment and is classed as a Night-Hawk.
Q Do you know a John Panther, who lives near Chouteau? A No, sir. I never knew a man by that name.
Q How long has Jim Panther been living near Chouteau? A He has lived up in that neighborhood about thirteen or fourteen years. At the time of the taking of the 1896 Census for Tahlequah District we were living together in Tahlequah District and Mrs Johnson, the Census taker came along and asked him if he was going to enroll and he said he was.
Q How long did you and Jim Panther live together? A About 10 years
Q Do you know where he was living when the 1880 Roll was made? A I couldn't say, but I think he was living down about Ft. Gibson and probably around near where Melvin is now.
Q What District is Melvin in? A I don't know.
Q How long have you been separated from Jim Panther? A About six years.
Q How long had you known him before you were married? A Something like twenty-five years. I knew him from the time we were both small.
Q Has he resided in the Cherokee Nation all of this time? A He has lived in the Cherokee Nation nearly all the time I have known him with the exception of about a year during which time he was in the Creek Nation. After he returned he has been here ever since.

PARTMENT OF THE INTERIOR
SIONER TO THE FIVE CIVILIZED TRIBES

FILED

AUG 18 1905

Commissioner.

Q Can you give us the name of any one who would know your former husband, Jim Panther (or Kart-char-? A Mose Atkins and Frank Rowe of Chouteau, I. T., and Blue Murphy of Tahlequah.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 1 day of August, 1905.

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 18 1905

Commissioner.

Chero. D-1378-2353.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Cherokee Enrollment Field Party.
Hadley, I. T., August 8, 1905.

In the matter of the application for the enrollment of John Panther as a citizen by blood of the Cherokee Nation.

JOE DOWNING, being duly sworn, testified as follows:

BY COMMISSIONER:

Q What is your name? A Joe Downing.
Q How old are you? A Fifty-eight or nine.
Q What is your post office address? A Hadley.
Q Are you a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Do you know one John Panther? A Yes, sir.
Q How long have you known him? A I guess it has been about 8 years
Q Is he a Cherokee by blood? A I am not certain of that.
Q What is your understanding as to his blood? A I understand he was a Creek but I don't about that.
Q Do you know whether or not he has been recognized by the Cherokee Authorities as a citizen of the Cherokee Nation? A I don't think he has. He may have done so. People who were of Creek blood residing inthe Cherokee Nation could be recognized as citizens and still not draw money in the payments made to Cherokees by blood.
Q Was this John Panther at one time the husband of a woman who now goes by the name of Polly Murphy? A Yes, sir, they lived right close to here for about two years. He used to come over here and get meat from me.
Q Have you known him to go by the name of John and not Jim? A Some called him Jim but I called him John. Jim might have been his right name. I just called him John all the time.
Q Did you know what his correct name was? A I didn't know. I have heard his wife call him Jim. I guess his proper name was Jim.
Q When did you see him last? A About two years ago, I think.
Q Have you ever heard from him since? A No, sir, but he is in this country some where.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 8 day of August, 1905.

Simon P. Hastings
Notary Public.

C.F.B. Cherokee D 1378

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Panther as a citizen by (Creek) blood of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Peggs, Indian Territory, June 23, 1902, Blue Murphy appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of John Panther as a citizen by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Peggs, Indian Territory, August 7, 1905, and at Hadley, Indian Territory, August 8, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, John Panther, is a Creek Indian by blood; that he was born in the Cherokee Nation, has continuously resided therein since birth, and is duly identified on the Cherokee census roll of 1896, Tahlequah District at No. 2568.

Paragraph eight of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), provides:

> "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), John Panther is entitled to enrollment as a citizen by (Creek) blood of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 25 1907.

A 1378

FILED
APR 12 1904

Cherokee D 1378.

Tahlequah, Indian Territory, April 9, 1904.

Commission to the Five Civilized Tribes,

(Creek Enrollment Division),

Muskogee, Indian Territory.

Gentlemen:

Will you please inform the Cherokee Land Office of the Commission whether one John Panther, about 36 years old, postoffice Chouteau, Indian Territory, has been enrolled as a citizen of the Creek Nation.

Please refer in your reply to Cherokee D-1378.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

GWI

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH.
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 12, 1904.

Commissioner in Charge
Cherokee Land Office,
Tahlequah, Indian Territory.

Sir:

The Commission is in receipt of your letter of April 9 in which you request to be informed whether one John Panther, about 36 years old, post-office Choteau, Indian Territory, has been enrolled as a citizen of the Creek Nation.

In reply you are advised that the records of the Creek Enrollment Division have been examined and it does not appear that John Panther has been enrolled as a citizen of the Creek Nation, nor does it appear that application has been made for his enrollment as such.

Reference is made to Cherokee D. 1378.

Respectfully,

Commissioner in Charge.

Cherokee
D 1378.

Muskogee, Indian Territory, April 21, 1906.

John Panther,
Choteau, Indian Territory.

Dear Sir:

The records of this office show that at Pegge, Indian Territory on June 23, 1902, Blue Murphy appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by blood of the Cherokee Nation.

Further testimony in the matter of your application for enrollment as a citizen by blood of the Cherokee Nation, was given at Potean, Indian Territory on August 7, 1905, by Polly Murphy, and at Hadley, Indian Territory on August 8, 1905, by Joe Downing.

The testimony of these witnesses shows that you are a Creek Indian by blood, but that you have resided in the Cherokee Nation for the past 25 or 30 years, and you are hereby advised that before the application for your enrollment

as a citizen by blood of the Cherokee Nation will be complete, it will be necessary for you to appear before the offices of the Commissioner to the Five Civilized Tribes and introduce further proof of citizenship.

Excepting the Cherokee census roll of 1896, your name cannot be identified on any tribal roll of the Cherokee Nation, and you should introduce testimony that will enable this office if possible, to identify you on the Cherokee authenticated tribal roll of 1880. If it is found that you possess the right to enrollment in either the Creek or the Cherokee Nation, it will be necessary for you to elect in which of said Nations you will be finally enrolled.

You are further advised that you will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes in Muskogee, Indian Territory at nine oclock A.M. on Thursday morning May 3, 1906, and introduce any testimony you may desire, touching the points above mentioned.

The Cherokee Nation will also be permitted to appear on that date and introduce any testimony it may desire in said case.

Respectfully,

Acting Commissioner.

MKP
Register.

Muskogee, Indian Territory, April 21, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Cherokee enrollment case of John Panther, Cherokee D 1378, has been set for further hearing on May 3, 1906, at the offices of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory.

The said John Panther has this day been directed to appear on said date and introduce testimony to show his residence in the Cherokee Nation to enable this office if possible, to identify him on the Cherokee authenticated tribal roll of 1880, and if it should be found that he possesses the right to enrollment in both the Creek and Cherokee Nations, to elect in which he will be finally enrolled by this office.

Respectfully,

Acting Commissioner.

MMP

Cherokee D 1378.

Muskogee, Indian Territory, February 28, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling John Panther, as a citizen of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation

Cherokee
D 1378

COPY

Muskogee, Indian Territory, February 28, 1907.

John Panther,

Chouteau, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, granting your application for enrollment as a citizen by blood of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

ENC.
Enc.No.-53.

Cherokee
D 1378

COPY

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, granting the application for the enrollment of John Panther, as a citizen by blood of the Cherokee Nation.

Respectfully,

SIGNED Tams Bixby
Commissioner.

ENC.
Enc.MC - 28.


CHOTEAU

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

22452

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

4894

John panther,

Chelsea, Indian Territory.

Cher 11016

Jane Robins

Trans. from D1857

R
Cher [redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1906.

In the matter of the application of JAMES BULLETT, et al., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

June Robins, page 441, # 1446, Saline District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an [redacted]

E C Bagwell.

Subscribed and sworn to before me this 2 day of August, 1906.

[redacted]

W.W.

Cherokee D-1857.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., December 12, 1902.

In the matter of the application for the enrollment of Jane Robins as a citizen by blood of the Cherokee Nation.

SUPPLEMENTAL STATEMENT.

Upon an examination of the tribal rolls of citizens of the Cherokee Nation, it is found that the applicant herein, Jane Robins, is identified thereon as follows:

1883 Roll, Page48, #1045, Goingsnake District, as Jennie Leaf.

1886 Roll, Page 50, #1140, Goingsnake District, as Jennie Leaf.

[illegible] be filed with and made a part of the record in the matter of the enrollment of Jane Robins as a citizen of the Cherokee Nation, Cherokee doubtful card field No. 1857.

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Oklahoma, January 31st, 1910.

-----oOo-----

In the matter of the duplicate enrollment of Nancy J. Robbins, Cherokee card No. 6304, Roll No. 15038, and Jane Robins, Cherokee card No. 11016, Roll No. 32908.

Testimony of Nancy J. Robbins taken at Oaks, Oklahoma, December 10, 1909. Sworn by A. G. McMillan, Deputy Clerk, U. S. Court, Eastern District of Oklahoma.

Examination on behalf of Commissioner:

Q What is your name? A Nancy J. Robbins, or Nancy Jennie.
Q How old are you? A Sixty-five.
Q What is your post office address? A Oaks.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
Q What is the name of your father? A Wyly Thornton.
Q And the name of your mother? A Nancy Brimer before she was married.
Q Have you a grandson named William? A Yes sir.
Q What is his father's name? A Tim, my youngest son.
Q What is the name of William's mother? A Rhado, she was a white woman came from North Carolina.
Q How long have you lived here in Oaks? A Seven years.
Q Where did you live before that? A We was raised close to Westville, and lived in Tahlequah a while.
Q Were you ever called Jane? A Yes, some of them calls me Jane and some Nancy Jane; you know how family folks is. The way they got my name as Jane my man put it that way fixing out the pension papers. They call me Jane and my full name is Nancy Jane.
Q Do you know of any other Jane Robbins? A There are other Robbins but I don't know of any Jane but myself.
Q Have you a brother named Joseph Thornton? A Yes sir, down by Wauhillau.

(Note) This examination is discontinued for the reason that the witness is very sick, confined to her bed, and is frequently seized with violent attacks of coughing which makes it almost impossible for her to testify.

Cherokee cards (6304 / 11016 --------2

Testimony of Joseph Thornton taken at his home about five miles northeast of Wauhillau, Oklahoma, December 16th, 1909. Sworn by A. G. McMillan.

Q What is your name? A Joseph Thornton.
Q How old are you? A Fifty-five I reckon.
Q What is your post office address? A Wauhillau.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
Q What is the name of your father? A Wyly Thornton.
Q What is the name of your mother? A I don't know just what her name was. She died when I was just a little child. I forget now just what her name was.
Q Have you any brothers or sisters living? A I got Jane and a half brother. Jane Robbins is my sister.
Q What is your half brother's name? A Jimmie Thornton.
Q Where does your sister Jane live? A At Oaks.
Q Did you ever call her Nancy J. or Nancy Jane? A Not that I know of; maybe she might go by that.
Q You always called her Jane did you? A Yes.
Q Where did she live before she went to Oaks? A She lived on Illinois river at a Mission.
Q What District was that Mission in? A In Tahlequah District.
Q Has your sister Jane got a grandchild living with her? A Yes, William.
Q Who was his father? A Tim Robbins.
Q About how old is your sister Jane Robbins now? A I expect she is somewheres about sixty-five years old.
Q Did your sister Jane ever have any children? A Yes sir.
Q What were their names? A Tim, Ellis and John and Levi. Tim is the youngest one and Levi is the oldest one, and one girl by the name of Josie.
Q What was the name of the husband of your sister Jane Robbins?
A Johnson Robbins.

Albert G. McMillan, being first duly sworn, states that the above and foregoing is a true and correct translation of his stenographic notes taken in the above entitled cause.

Albert G. McMillan

Subscribed and sworn to before me this 31st day of January, 1910.

R. P. Harman
Clerk U. S. Court, Eastern District of Oklahoma.

By D. W. Brown

REFER IN REPLY TO THE FOLLOWING:
Cherokee D.
1857.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 27, 1907.

Jane Robins,

Oakes, Indian Territory.

Dear Madam:

Where is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, granting your application for enrollment as a citizen by blood of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Encl.HJ-142.

Commissioner.

Muskogee, Oklahoma, April 27, 1909.

Mr. John O. Rosson,

Southwest City, Missouri.

Sir:

I am in receipt of your letter of April 24, in which you state that Jane Robins on Card 11016, Roll No. 32908, is a duplicate enrollment of Nancy J. Robbins, No. 16032.

In reply you are advised that the record in this case has been examined and shows that Nancy J. Robbins made application for herself and grand-child, William Robbins, and is unquestionably identified on the 1880 Roll as Jane Robbins, No. 1381.

On June 30, 1902, in the matter of the application of Jane Bullett, et al., application was made for the enrollment of "Jane Robins, page 468, No. 1446, Going Snake District." While the testimony taken in this case, which subsequently resulted in the enrollment of this person, relates beyond any doubt to Nancy J. Robbins, the original application was made for a different person, and before reporting on this matter to the Department, it is desired that you make an investigation to ascertain, if possible, whether the Jane Robins for whom this appli-

Rossen - R.

Action was actually made is living, or was living on September 1, 1902.

On the 1880 Roll the family of which she is a member is listed as follows:

Robins,	Leathy	60	F
"	Nigh	19	M
"	Jane	40	F
"	Susan	8	F.

Respectfully,

WSDM (LBA)

Commissioner.

Muskogee, Oklahoma, February 7, 1910.

SUBJECT: Duplicate enrollment of Nancy J. Robbins, Cherokee.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to bring to the attention of the Department the case of Nancy J. Robbins, who is enrolled opposite No. 15032 on the final roll of citizens of the Cherokee Nation and who, it appears from facts ascertained by this office, is also enrolled as Jane Robins, opposite No. 32908, on said roll. An allotment of land in the Cherokee Nation for Nancy J. Robbins was selected on October 12, 1904, and no allotment having been selected for Jane Robins, and other circumstances leading the office to believe that this was a case of duplicate enrollment, an investigation was begun, which divulged the following facts.

Application for the enrollment of Nancy J. Robbins was made by her in person at Tahlequah on December 8, 1900, at which time she testified that she was a Cherokee by blood, that her father and mother were Wiley and Nancy Thornton and that her former husband, then dead, was Johnson Robbins. She also made application for the enrollment of William Robbins, her grand-child, a son of Tim Robbins, who she stated was dead.

At this time the 1880 Authenticated Roll of Cherokees was examined and her name was identified opposite No. 1831 on page 66, of Goingsnake District, together with the name of Johnson Robbins, her husband, and Timothy Robbins, her son.

On June 30, 1902, at the instance of the Commission to the Five Civilized Tribes application was made for the enrollment of Jane Robins, whose name appeared on the 1880 Authenticated Roll, opposite No. 1446, on page 468, of Goingsnake District. The application for this enrollment was made in order to protect the possible rights of the person whose name appeared at this number.

On March 27, 1905, additional testimony was taken in the matter of this enrollment from Peggie and Joseph Thornton. The latter testified that Jane Robins was his sister, that her parents were Wiley and Jennie Thornton, that her husband was named Johnson Robins and that she was then living with her son's child near Vann. He also testified that he believed she had previously made application for her own enrollment.

On December 10, 1909, the testimony of Nancy Jane Robins was taken, in which she stated that she was sometimes known as Jane and that she knew of no other Jane Robins except herself, also that she had a brother by the name of Joseph Thornton. On December 16, 1907, Joseph Thornton was examined,

his statements being substantially the same as those in his testimony of March 27, 1909. He stated, however, in this examination that he never knew her to go by the name of Nancy J. or Nancy Jane.

It is, therefore, very clear that Jane Robins was enrolled upon testimony which referred in fact to Nancy J. Robbins, and that the office has not, nor has at any time had before it any information showing that Jane Robins was living on September 1, 1902, and, therefore, entitled to enrollment as a citizen of the Cherokee Nation.

I have the honor, therefore, to recommend that the following notation be placed opposite the name of Jane Robins, at No. 32908, on the final roll of citizens of the Cherokee Nation:

"Duplication. See No. 15032. No allotment can be made under this name."

A copy of the record in this case is enclosed herewith.

Respectfully,

Acting Commissioner.

Through the
Commissioner of
Indian Affairs.

WHM(CM)
Encl. 6-3

Land-
Population
11833-1910
J M B

Duplicate enrollment of Nancy J. Robbins or Jane Robins. FEB 24 1910

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report of February 7, 1910, from the Acting Commissioner to the Five Civilized Tribes, relative to the duplicate enrollment of Nancy J. Robbins or Jane Robins as a citizen of the Cherokee Nation.

It appears from the inclosed papers that the Nancy J. Robbins whose name appears opposite No. 15032 on the final approved roll of citizens by blood of the Cherokee Nation is the same person enrolled as Jane Robins opposite No. 32908. The Office therefore recommends that on the above-mentioned roll in the possession of the Department there be placed opposite the name of Jane Robins at No. 32908 thereon the notation:

Duplicate enrollment of No. 15032; not entitled to land or money under this number;

and that this Office and the Commissioner to the Five Civilized Tribes be authorized to make a similar notation on the copies in their possession.

Very respectfully,

(Signed) R. G. Valentine,
Commissioner.

Approved:
JUL 26 1910
(Signed) Frank Pierce.
First Assistant Secretary

CAS-10-7852

Land-
Population
11833-1910
J E D

DEPARTMENT OF THE INTERIOR, WHS.
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Duplicate enrollment of
Nancy J. Robbins or Jane
Robins.

AUG 5 1910

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

It appearing from the report of February 7, 1910, of the Acting Commissioner to the Five Civilized Tribes, and the papers transmitted therewith, that Nancy J. Robbins, whose name is opposite No. 15032 on the final approved roll of citizens by blood of the Cherokee Nation is the same person enrolled as Jane Robins at No. 32908 thereon, the Department on July 26, 1910, authorized placing opposite the name of Jane Robins at No. 32908 upon said roll the notation:

> Duplicate enrollment of No. 15032;
> Not entitled to land or money under this
> number.

A copy of approved Office letter of February 24, 1910, is transmitted herewith for your information and guidance.

Very respectfully,

(Signed) John R. T. Reeves
Acting Chief Land Division.

S-WRA-2
11759

DC 1107-1910

APR
10PM
1907
ARK.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE
FEB 28
3-PM
1907

PENALTY FOR PRIVATE USE

1101

Returned Unclaimed

Return to writer

MUSKOGEE

~~Jane Robins,~~

~~Oakes, Indian Territory.~~

Cher 11017

Nannie Weavel

Trans. from D2879

11017

Cher 11018
William Hogshooter
Trans. from D2897

Cher 11018

R
Wher
D 2897

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1903.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Ernest Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Chelsea, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

William Hogshooter #1004 Going Snake District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, and that the foregoing testimony and proceedings had in the above entitled matter is the foregoing is an accurate transcript of his notes thereof.

Subscribed and sworn to before me this [illegible]

R.
Cher. D-2897.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 14, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of WILLIAM HOGSHOOTER as a citizen by blood of the Cherokee Nation.

JOHN SANDERS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A John Sanders.
Q How old are you? A Forty-two.
Q What is your post office address? A Westville, I. T.
Q You are a recognized citizen by blood of the Cherokee Nation? A yes sir.
Q Do you know William Hogshooter? A I don't exactly, jus5 know there is suah a man. He came to my house last spring. He is a full blood, and he told me thathis father was--used to be Bill Pelone, and he went by the name of Hogshooter now. He was in the Hogshooter family. That is all I know about him.
Q Do you know the name of his mother? A No, I do not.
Q Do you know the present whereabouts of this boy? A No sir, I don't at this time. At that time he was on the Illinois River in Goingsnake District, near the Chewey school house.
Q Did he talk the Cherokee language? A Yes sir.
Q About how old would the boy be now? A He looked to be between eighteen and twenty years old, cant tell much about the age. He was just about to be a grown boy.
Q Did you know this boy before you saw him there at your house? A I had seen him at the Chewey schoolhouse. I saw him there but never did know his name, just knew his face when I saw him.
Q You don't know whether or not he is living now? A No, I do not know. That has been some two or three months ago since I saw him.
Q You don't know where he went? A He said he was going back home, back to Hogshooter's on the Illinois River, from my house. He came down hunting some work on the road, and he said he was going back home to Hogshooter's.
Q Do you know Hogshooter's full name? A We always used to call him Ned Harlin, some calls him Ned Hogshooter. That is the two names that we used him by, that is the same man.
Q Do you know Arley Pelone? A No sir.
Q Do you know with whom this child was living in 1896, about six years ago? A No sir, could not say.
Q Is he recognized in the community as a citizen by blood of the Cherokee Nation? A Yes sir, I guess he would be. He is a full blood. He didn't speak any English, didn't to me. I would call him a full blood Cherokee.

1896 census roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

Page 754, #1004, William Hogshooter, Goingsnake District, age 11
Note: Registered with family of Arley Pelone.

1894 roll, Page 696, #1727, Wm. Hogshooter, Goingsnake District.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 25th day of August, 1902.

J. Hutchinson N.P.

JOR.
Cher. D-2897.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October 20, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of WILLIAM HOGSHOOTER as a citizen by blood of the Cherokee nation.

DAVID L. BIRD, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A David L. Bird.
Q How old are you? A I will be forty-nine the 5th of next February.
Q What is your post office address? A Whitmire.
Q Are you a citizen of the Cherokee Nation? A I don't know whether I am or not. I am not on the roll, I am a citizen too, my wife is a citizen.
Q You are an intermarried man? A Yes sir.
Q Do you know William Hogshooter, a young man now about seventeen or eighteen years of age? A Yes sir.
Q Is he living? A Yes sir.
Q Is he a Cherokee by blood? A Yes sir.
Q Do you know what degree of Cherokee blood he has? A I think he is a full blood.
Q Passes for a full blood? A Yes sir, as far as I know.
Q What is his post office address? A I think he gets his mail at Oaks, or Kansas one, I am not certain which, probably better put it Kansas.
Q Does he reside in Goingsnake District? A Yes sir.
Q Do you know the name of his father? A No sir, I do not.
Q Do you know the name of his mother? A No sir, I don't. I did know, but I have forgotten.
Q You knew them at one time? A No sir, never saw his parents, they have been dead quite a little while. He told me the name of his mother before she was married, but I have forgotten.
Q Do you know whether they were recognized as citizens by blood of the Cherokee Nation? A Yes sir, no doubt about that.
Q This William Hogshooter is a recognized citizen by blood?
A Yes sir.
Q How long have you known this young man, William Hogshooter?
A About two years.
Q Do you know how long prior to that time he had lived in the Cherokee nation? A Lived here all his life, I suppose. He worked for me, and I saw him, of course about five years ago. He was then in the Territory . He was just a little chunk of a boy.
Q He was residing in the Cherokee Nation then? A Yes sir.
Q So far as you know, he has been here ever since? A Yes sir, he has been here all the time.
Q You don't remember the names of his father or mother, either one, you state? A No sir, I suppose his father's name was Hogshooter. Tho se Cherokees, you know, have two or three different names.
Q Do you know whether this young man, William Hogshooter, has drawn money from the Cherokee Nation or not? A Yes sir, Hedrew Strip Money, I think.

This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of William Hogshooter as a citizen by blood of the Cherokee Nation, Cherokee doubtful card field No. 2897.

Cher. D-2897.----2.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 30th day of October, 1902.

John McCasson
Notary Public.

ISN
SW

Cherokee D-2897

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE.
Tahlequah, I.T., October 28,1905.

In the matter of the application for the enrollment of William Hogshooter as a citizen by blood of the Cherokee Nation.

Carrie Harlin, being duly sworn by and examined through Simon Walkingstick, a notary public and official interpreter for the Commissioner, testified as follows:

Q What is your name? A Carrie Harlin.
Q What is your age? A Twenty-two.
Q What is your postoffice address? A Pryor Creek.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
Q Do you know one William Hogshooter whose age at the present time is about twenty years? A Yes, I know William Hogshooter; I couldn't say as to his age though.
Q What's his postoffice address? A Whitmire.
Q About how old do you think he is? A He's about twenty years old; he's not quite as old as I am and I'm 22.
Q How long have you known him? A I couldn't say exactly, I've known him about nine years.
Q Did you know the name of his father? A No, I didn't.
Q Do you know the name of his mother? A No, I didn't know her.
Q Where has he lived these nine years you have known him? A In the neighborhood of where I live; he has lived around Whitmire for the last nine years or as long as I have known him.
Q In what district does he live? A In Goingsnake District.
Q Cherokee Nation? A Yes sir.
Q Is he a Cherokee by blood? A Yes sir, he's a full blood.
Q Do you know of his ever being called by any other name than William Hogshooter? A No, he never was called by any other name.
Q During these nine years that you have known him, with whom has he lived? A He first lived with his autn Ollie Palone and after her death he lived with Sarah Chuwee.
Q When did you last see him? A Its been something like a month; it would be a month next Monday since I saw him.
Q Has he any brothers or sisters? A No.
Q Is he married? A No.
Q Who is he living with now? A He still lives with Sarah Chuwee.
Q Is he a Night Hawk? A Yes sir.
Q Is Sarah Chuwee a Night Hawk? A Yes sir.
Q Who of the older full bloods living in that vicinity would be likely to know as to who his parents were? A Rider hammer might know. I understood that he came from Delaware District--I don't know just where in Delaware District.

Ira S. Miles, being duly sworn, states that as stenographer

to the Commissioner to the Five Civilized Tribes he correctly recorded the testimony in this case and that the above and foregoing is a true and complete copy of his stenographic notes.

Subscribed and sworn to before me
this 28th day of October, 1905.

Notary Public.

C.F.B. Cherokee D 2897

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Hogshooter as a citizen by blood of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of William Hogshooter as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, August 14 and October 20, 1902, and October 28, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, William Hogshooter, is a Cherokee by blood; that he was born in the Cherokee Nation and has continuously resided therein since birth. Said applicant is duly identified on the Cherokee census roll of 1896, Going Snake District No. 1004. He is also identified on the Cherokee Strip Payment Roll of 1894, page 696, No. 1727, Going Snake District as Wm. Hog-Shooter.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), William Hogshooter is entitled to enrollment as a citizen by blood of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 21 1907.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D 2897.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 27, 1907.

William Hogshooter,
Kansas, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, granting your application for enrollment as a citizen by blood of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Encl.C-31
LMC

Cherokee D 2897.

Muskogee, Indian Territory, February 27, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling William Hogshooter, as a citizen by blood of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee
D 2697.

1 COPY

Muskogee, Indian Territory, February 27, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, granting the application for the enrollment of William Hegmeoter, as a citizen by blood of the Cherokee Nation.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl.C-32
LMC



Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

KANSAS APR 1 1907

MUSKOGEE FEB 28 3-PM 1907

OFFICIAL BUSINESS FOR PRIVATE USE

Dawes 11018

William Hogshooter,

~~Kansas~~,

Indian Territory.

Cher 11019
Wilson Smith
Trans. from D2963

Cher 11019

R
Cher D 2963

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Ernest Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Clarmore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Wilson Smith #1719 Illinois District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that he stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 9, 1902.

B F Jones
Notary Public

JOR

Cherokee D-2963
D-2002.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE.
Tahlequah, I. T., April 15, 1905.

In the matter of the applications for the enrollment of Wilson Smith and John Smith. Nos. D-2963-2002.

WILSON SMITH, being duly sworn and examined, through Interpreter Samuel Foreman, by the Commission, testified as follows:---

Q What is your name? A Wilson Smith.
Q How old are you? A 15.
Q What is your post-office? A Braggs.
Q Are you a fullblood Cherokee? A Yes.
Q What is the name of your father? A John Smith.
Q Is he living? A Yes.
Q In what District? A Illinois District.
Q Do you know the name of your mother? A Call her Jennie.
Q Is she living? A No.
Q Was she a Cherokee by Blood? A Yes.
Q Is your father a fullblood Cherokee? A Yes.
Q How long have you lived in the Cherokee Nation? A I can't say just exactly how long.
Q Did you ever make your home outside of the Cherokee Nation? A No.
Q What is your father's post-office? A Vian.
Q Is your post-office between Vian and Braggs? A Both places or either place, Vian or Braggs.
Q Do you know the name of your father's father? A No. He never did tell me.
Q Do you know the name of his mother? A Nancy.
Q Is she living? A No, she's dead.
Q Did your father ever make his home outside of the Cherokee Nation? A No.
Q Did you know a Mary Smith? A No.
Q Have you always drawn money as a citizen of the Cherokee Nation? A I drew money once.
Q Has your father always been recognized and drawn money as a Cherokee citizen? A Yes.

Joe Chambers, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony in this case, and that the above and foregoing is a true and complete copy of his stenographic notes.

Joe Chambers

Subscribed and sworn to before me
this 20th day of April, 1905.

Notary Public.

JC

C.F.B. Cherokee D 2963

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Wilson Smith as a citizen by blood of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Wilson Smith as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, April 15, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Wilson Smith, is a Cherokee by blood; that he was born in the Cherokee Nation, and has continuously resided in said Nation since birth. Said applicant is duly identified on the Cherokee Census roll of 1896. His father, John Smith, is identified on the Cherokee authenticated tribal roll of 1880, Flint District, No. 1265, and his name is included in the approved partial roll of citizens by blood of the Cherokee Nation opposite No. 19326.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Wilson Smith is entitled to enrollment as a citizen by blood of the Cherokee Nation, and his application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,
this FEB 27 1907.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D 2963.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 28, 1907.

Wilson Smith,

Braggs, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, granting your application for enrollment as a citizen by blood of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Encl.C-60
LMC

Cherokee
D 2963.

Muskogee, Indian Territory, February 27, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Wilson Smith, as a citizen by blood of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation

Cherokee
D 2963.

Muskogee, Indian Territory, February 27, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, granting the application for the enrollment of Wilson Smith, as a citizen by blood of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.C-61
LMC

Department
Commissioner to the Five Civilized Tribes,
MUSKOCEE, IND. TER.

UNCLAIMED

Opened the
Mistake

Wilson N. Smith

Wilson Smith,

Bra[illegible], Indian Territory.





Cher 11020

Stand Sua-gee

Trans. from D3034

Cher 11020

No. D 3034

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1903.

In the matter of the application of JAMES PULBERT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Stand Sua-gee #1298 Saline District;
York-sie Sua-gee #1299 Saline District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that he stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this December 9, 1903.

B. C. Jones
Notary Public.

Can't identify
either on Roll
Nor prior they are enrolled

D-3034.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Cherokee Enrollment Field Party.
[redacted]I.
Bucha, I. T., August 18, 1906.

In the matter of the application for the enrollment of Stand Sua-gee and York-sie Sua-gee as citizens by blood of the Cherokee Nation.

TAYLOR BUCK, being duly sworn, testified as follows:

Through Simon R. Walkingstick Official Interpreter:

BY COMMISSIONER:

Q What is your name? A Taylor Buck.
Q How old are you? A Thirty-four.
Q What is your post office address? A Spavinaw.
Q Are you a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Do you know Stand Sua-gee and York-sie Sua-gee? A Yes, sir.
Q About what is the age of Stand Sua-gee? A He and I are about the same age.
Q What do you think the age of York-sie Sua-gee is? A They are both about the same age. York-sie is Stand's wife.
Q What is the name of Stand Sua-gee's father? A I couldn't say. I don't know his father. They came from Delaware District somewhere.
Q What is the name of Yorksie Sua-gee's father? A Catche Carnelake.
Q Is he a Cherokee by blood? A Yes, sir. He is a full-blood.
Q What is the name of her mother? A I couldn't say.
Q Are both Stand Sua-gee and his wife, York-sie, recognized citizens of the Cherokee Nation? A Yes, sir, they are. They are both citizens and Cherokees by blood.
Q In what district do they reside? A Saline District.
Q How long have you known them? A I have known them about twenty years.
Q Do you know whether or not Stand Sua-gee ever went by any other name? A He goes by the name of John Stand at the present time, down in the part of the country where he lives.
Q What is his post office address? A Spavinaw. I suppose that would be his post office if he ever gets any mail. He lives right close to the place.
Q Have they any children? A I think they have one child. I can't be sure.
Q Do you know that child's name? A No, sir.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 24 day of August, 1906.

Edward Kennedy
Notary Public.

C.F.B. Cherokee D 3034

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Stand Sua-gee and York-sie Sua-gee as citizens by blood of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Stand and York-sie Sua-gee, as citizens of the Cherokee Nation. Further proceedings in the matter of said application were had at Eucha, Indian Territory, August 18, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein, Stand and York-sie Sua-gee, are Cherokees by blood; that they were born in the Cherokee Nation and have continuously resided therein since birth. Said applicants are duly identified on the Cherokee census roll of 1896.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Stand Sua-gee and York-sie Sua-gee are entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 28 1907.

REFER IN REPLY TO THE FOLLOWING:
[redacted] D. 2034.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 28, 1907.

Stand Sun-gee,

[redacted] Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, granting the application for the enrollment of yourself and wife, York-sie Sun-gee as citizens by blood of the Cherokee Nation.

You will be notified when your name and the name of your said wife have been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

[redacted]

Commissioner.

Encl. R-47
MJH

Cherokee D. 3034.

Muskogee, Indian Territory, February 28, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Stand Sua-gee and York-sie Sua-gee as citizens by blood of the Cherokee Nation. Time for protesting said decision is waived, and I consent that said persons may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee D. 3034

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, granting the application for the enrollment of Stand Sua-gee and York-sie Sua-gee, as citizens by blood of the Cherokee Nation.

Respectfully,

Encl. R-48
MLB

Commissioner.



Bank of Spavinaw
Spavinaw, I. T.

SPAVINAW, OKLA.
SEP 28 1908
A.M.

Cher 11021
Elizabeth H. Perry

Trans. from D3069

Cher 11021

3
Cr

D 3069

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

[illegible] STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A [illegible]
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir; I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Elizabeth H. Perry #1058 Sequoyah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

I, C. Bagwell, on oath state that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

C. C. Bagwell

Subscribed and sworn to before me this December 9, 1902.

B. D. Jones
Notary Public.

FILED
AUG 16 1902

R
Ther' D 1858

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLET, ET AL, for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Clarmore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Elizabeth Hays, page 838, # 824, Illinois District;
Note: "Lives at Marshall, Tex. Now Mrs. Perry".

R. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 5 day of August 1902.

Cherokee D-1938
Cherokee D-3069

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE.
Tahlequah, I. T., November 28, 1904.

In the matter of the application for the enrollment as a citizen of the Cherokee Nation of Elizabeth H. Perry.

CHARLES M. ROSS, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Charles M. Ross.
Q How old are you? A 36.
Q What is your postoffice? A Tahlequah.
Q You are a citizen by blood of the Cherokee Nation are you?
A Yes sir.
Q Do you know Elizabeth H. Perry? A Yes sir.
Q Is she a recognized Cherokee by blood? A Yes sir.
Q How long have you known her? A I have known her 20 years.
Q Was she when you first learned to know her a recognized citizen ofthe Cherokee Nation? A Yes sir.
Q Do you know whether she is living at the present time?
A She was in July of the present year.
Q Did you see her at that time? A I did.
Q Where? A St. Louis, Missouri.
Q Are her present whereabouts generally known? A Not generally known, no sir. I have had two letters since I came home from St. Louis. She was there at that time. Her home is in San Diego, Cal.
Q Was she just on a visit at St. Louis? A She was visiting with her husband at the fair.
Q What is the name of her husband? A Seely.
Q Do you know his given name? A No sir, I don't.
Q Do you know when she left the Cherokee Nation first? A I don't exactly; it has been about 5 years.
Q Up to that time do you know whether she was residing continuously in the Cherokee Nation? A Yes sir, she had resided continuously in the Cherokee Nation for 15 or 20 years.
Q That would be as far back as you knew her? A Yes sir, as far back as I knew her.
Q Do you know whether she was raised in the Cherokee Nation up to the time you first learned to know her? A No sir; she was not. She was raised in Georgia. She is the first cousin of my wife's. Her mother and Mrs. Morris were sisters and her mother died when she was quite young. Her grandmother, Elizabeth Evelyn raised her.
Q Do you know where she went 5 years ago when she first left the Nation? A Galveston.
Q The correspondence of the Commission shows that there was some talk or information about her having been lost in the Galveston Flood. Up until the time of the flood had her family heard from her frequently? A Rather infrequently. They had heard from her at irregular periods up till the time of the flood. The last account they had of her she was in Galveston. Subsequent to the flood they never heard from her any more up until the time I saw her at St. Louis.
Q Do you know whether she has retained any property in the Cherokee Nation since she left here 5 years ago? A No sir, I don't.
Q Up until that time where did she make her home? A Sallisaw.
Q Was she a Keys up until that time? A Until she married Perry.
Q What was Perry's name? A Theodore W. Perry.
Q Is he a citizen of the Cherokee Nation? A Yes sir.

A

#2

Q Did she retain property in the Cherokee Nation up until the time she left here? A Yes sir.
Q Did she have a farm? A Yes sir.
Q Do you know what became of the farm?
Q They separated,-- I think she gave him the farm in that divorce settlement.
Q Do you know when they were divorced? A No sir, I don't know that
Q Was she divorced before she went to Galveston? A No sir.
Q It was subsequent to June 28, 1898 when she left the Cherokee Nation was it? A Yes sir. That would be 6 years ago, in June. Yes sir subsequent to that time.
Q Since she was divorced you don't know whether she held any property here or not? A I don't. I have always heard that her brother held property for her but I don't know anything about the facts.
Q Is that Hugh M. Hays? A Hugh M. Hays, of Stilwell.
Q Since she left about 5 years ago as you state, she has never returned to the Cherokee Nation or made her home here at all?
A No sir.
Q You state she was born in Georgia. How did she secure her citizenship in the Cherokee Nation? Was it by any act of the National Council?
A Well, they are citizens by blood. I believe they were admitted by Act of the National Council, and were moved out to this country like many other Cherokees were at that time.
Q Did the mother of Elizabeth H. Perry that was come to the Cherokee Nation at the time her sister Mrs. Morris came? A No sir, she died in Georgia.
Q When was it Mrs. Morris came to the Cherokee Nation? A Mrs. Morris has been coming out to this country and going back for a great many years. She was out here, she has been out here this last time about 12 or 15 years, and when she came out previous to that I don't know, but Mrs. Evelyn and these Hays children they came out here about 20 years ago and have been out here continuously or almost continuously ever since.
Q Do you know whethr the name of Elizabeth H. Perry appears upon the roll of 1880? A She told me it was on the 1880 roll.
Q What would be her name at that time? A Elizabeth Hays.
Q Do you know in what district she first settled when she came out here? A I believe it was the Illinois District. Most of her people live in the Illinois District. The Rogers and the Nashes and I believe she settled there too.
Q Did Elizabeth Hays have a younger brother? A Yes sir, Edgar.

There appears upon the 1880 authenticated roll of citizens ofthe Cherokee Nation, Illinois District, opoisite Nos. 825 and 826, Elizabeth Hays and Edgar Hays, native Cherokees, ages 13 and 2 years, respectively. This copyof the 1880 roll was formerly in possession of the representatives of the Cherokee Nation and there is a marginal note opposite these numbers to the effect that Elizabeth and Edgar Hays were admitted by the Citizenship Court of the Commission during the January term 1889.

Q Is Edgar Hays living? A Yes sir.
Q Is he enrolled as a Cherokee by blood? A Yes sir.
Q Is Edgar his full name? A I believe his name is James Edgar?
Q Is the Mrs. Evelyn you speak of Elizabeth L. Evelyn? A Yes sir.
Q She is dead is she? A Yes sir.
Q Is she the mother of Elizabeth Hays? A Grandmother.

James E. says is enlisted for enrollment on Cherokee card Field 5860 and is identified upon the original 1880 authenticated roll as a citizen of the Cherokee Nation #825, as Edgar Hays.

#3

There has been listed for enrollment by the Commission from information on Elizabeth Hays upon Cherokee card Field D-1938. It appears from the testimony just taken that said Elizabeth Hays is a duplicate enrollment of the Elizabeth H. Perry, listed from information upon Cherokee card Field D-3069.

Q Up intil the time Elizabeth H. Perry left the Cherokee Nation some 5 years ago was her right to enrollment ever questioned?
A No sir, never.
Q You state she held property all the time up to that time and was identified by the Cherokee Tribe as a Cherokee citizen? A Yes sir. She drew her money, and got her strip money.
Q Have you any means by which you can refresh your memory as to the time of her leaving the Cherokee Nation?
A Yes sir, our baby, which is 5 years old, was 7 months old when she went away.
Q When was your child born? A 3rd of November.
Q That would make it along about the first of the year 1900?
A Yes sir, somewhere about that.
Q Do you know when she was married to Seely? A No sir, I don't.
Q Do you know his full name? A No sir, I don't.

I, J. F. Gaskill, being duly sworn, state that as stenographer for the Commission to the Five Civilized Tribes, I recorded the foregoing proceedings and testimony and that the above is a true and correct transcript of my stenographic notes.
E. & O. E.

J. F. Gaskill

Subscribed and sworn to before
me this 28th day of November 1904.

J. Leason
Notary Public.

FILED
JAN 8 1909
COMMISSION TO FIVE TRIBES.

JOR

Cherokee No. D-3069.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE,
Tahlequah, I. T. December 21, 1904.

In the matter of the application for the enrollment of Elizabeth H. Sealy, formerly Perry, as a citizen of the Cherokee Nation.

SUPPLEMENTAL TESTIMONY.

CHARLES W. ROSS, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Charles W. Ross.
Q State your age? A I am 36 years old.
Q What is your postoffice? A Tahlequah.
Q Are you a Cherokee by blood? A Yes sir.
Q You have heretofore testified in the matter of the application for the enrollment as a citizen of the Cherokee Nation of Elizabeth H. Perry, now Sealy? A Yes sir.
Q You mentioned in your former testimony about having received a letter from Mrs. Sealy, did you? A Yes sir.
Q Is this the letter? A Yes sir, that is the letter.
Q It bears date of thursday the 28th. Do you know in what month and year that was? A July I believe of this year.
Q To whom is it addressed? A It is addressed to my wife.
Q It is signed ~~Mrs~~ E. H. P.. Is that the applicant in this case? A That is.
Q Do you identify her hand writing? A Yes sir.
Q Where was this letter mailed? A In St. Louis. We left St. Louis on the evening of the 27th I believe it was, of ~~Mr~~ July, and she was to meet us at the depot, and a thunder storm came up and that is the reason she did not meet us. She also said she would send a power of attorney from Denver; she and her husband were going to California.

Q I believe you testified in your former testimony that she left the Cherokee Nation in January of 1900. Has she since that time had any property interests whatever in the Cherokee Nation? A They have a family farm, she and her brother jointly -- yes sir, I will answer the question, yes.
Q Were is that farm located? A One is near Caney, Kansas and one near Sallisaw.
Q Do you know whether she has since that time identified herself with the Cherokee Nation, ~~such as collecting rents~~ and controling any property interests here? A No sir, I think not.
Q You state in your former testimony that it was for a considerable length of time you never heard from her at all? A No sir.

(The letter referred to is filed herewith and marked "Exhibit A".)

Clinton W. Myers, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the supplemental testimony in this case and that the foregoing is a true and correct transcript of his stenographic notes taken therein.

Clinton W. Myers

Subscribed and sworn to before me this 22nd Day of ~~Nov~~ December, 1904. William P. Dunlavy, Notary Public.

Exhibit "A"

I-2067

POOR ORIGINAL -
BEST AVAILABLE COPY

Dear Lucie — I am sorry
I did not get to see
Grandpa — the Storm
prevented me going
to the Station. I do
not care as I write

I tell you another more
time I saw you a
Methodist name and
address as I said not
but that I could
find to hear from
you or any of the
family. Tell Sally from

the request I can
suspend — when my
Horses is less painful
I will write — & will
add a few lines
to-day the 6th Inst
for Henry I will send
Power of Atty from Bro

to Charlie I do care
about it to the business for
me, I am sorry he will
the past since I have me
I to know that Grandm-
is dead write my dear
Jenny Jane when did you
hear I have been confined
in my prison at a
mine and am succeeded

and will be satisfied if
I am ever keeping again
with all my heart, and
many kisses for Samuel
and Ruby—

Good night

—Ever

I will write some day
soon again—

C.F.B. Cherokee D 3069.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of ELIZABETH H. PERRY as a citizen by blood of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, June 30, 1902, Emmett Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Elizabeth H. Perry as a citizen of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, November 5 and December 21, 1904.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Elizabeth H. Perry, who is identified on the Cherokee authenticated tribal roll of 1880, and the Cherokee census roll of 1896, is a Cherokee by blood, and continuously retained her citizenship in the Cherokee Nation from 1880 up to and including September 1, 1902.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one, of the Act of Congress approved June 28, 1898 (30 Stats., 495), Elizabeth H. Perry is entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner.

Dated at Muskogee, Indian Territory,
this FEB 28 1907

Cherokee D 1938.

Tahlequah, Indian Territory, October 31, 1903.

Elizabeth L. Eblen,

Tahlequah, Indian Territory.

Dear Madam:

Application has been made to this Commission for the enrollment as a citizen of the Cherokee Nation of one Elizabeth Hays, who would now be about 36 years old, and who is enrolled on the Cherokee tribal roll of 1880, in Illinois District, with Edgar Hays, shown by the records of this Commission to be your grandson.

Do you know whether Elizabeth Hays is living, and if so, will you please inform this Commission as to her present name and post office address, so that the proper steps may be taken to ascertain her right to enrollment.

Please give this matter your immediate attention.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

GWI

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 26 1904

CHAIRMAN.

(COPY)

Dawes Commission,

Tahlequah, I.T.

Is my sister, Elizabeth Hays Perry, entitled to her allotment? If so, can I, as her nearest relative file for her, and hold her allotment until I find her, if living, or prove her to be dead?

Yours truly,

(Signed) Hugh M. Hays,

Stilwell, I.T.

Feb. 22, 1904.

MH
Ans. Feb. 25, 1904.

D3069

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
28 1904

Chairman

Cherokee D-3069

Tahlequah, Indian Territory, February 25, 1904.

Hugh M. Hays,

Stilwell, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 22, asking to be advised if you will be permitted to select an allotment in the Cherokee Nation for your sister, Elizabeth Hays Perry. You state that you are her nearest relative and that you do not know whether she is alive at this time.

In reply, you are advised that it appears from the Commission's records that one Elizabeth H. Perry was listed for enrollment as a citizen of the Cherokee Nation from information and that the application for her enrollment was placed upon a doubtful card. Before the Commission can determine her status as a citizen of the Cherokee Nation, it will be necessary that further testimony be introduced relative to her right to enrollment. You are requested to furnish the Commission with any information you may possess relative to the present whereabouts of your sister and as to her citizenship in the Cherokee Nation.

With reference to your being permitted to select an allotment in the Cherokee Nation for her, you are advised that the rules and regulations of the Commission governing the selection of allotments in the Cherokee Nation, require that applications shall

be made by adult citizens in person. Y Upon the application of an applicant for enrollment, whose case has not been fully determined, there will be withheld from allotment land upon which the applicant has valuable and permanent improvements, not exceeding in value one hundred and ten acres of average allottable land of the Cherokee Nation.

You are advised, however, that under instructions from the Interior Department, all proceedings looking to the allotment of land in the Cherokee Nation have been suspended until further notice.

Respectfully,

MH

COPY.

Cherokee D-3069.

Muskogee, Indian Territory, April 14, 1906.

Charles M. Ross,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that before any further action can be taken in the matter of the application for the enrollment of Elizabeth H. Perry as a citizen by blood of the Cherokee Nation, it will be necessary for her to appear before the Commission in person and introduce testimony relative to her right to enrollment.

You are further advised that she will be permitted to appear before the Commission on May 4, 1906, and introduce testimony as above indicated.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Cherokee D 3069

Muskogee, Indian Territory, February 28, 1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Elizabeth H. Perry as a citizen by blood of the Cherokee Nation. Time for protesting said decision is waivéd, and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. W. Hastings

Attorney for Cherokee Nation.

Cherokee D 3069

Muskogee, Indian Territory, February 28, 1907.

Charles M. Ross,

Tahlequah, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, granting the application for the enrollment of Elizabeth M. Perry as a citizen by blood of the Cherokee Nation.

You will be advised when her name has been placed upon a schedule of citizens by blood of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Encl.A-38
RA

Cherokee
D 2069

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, granting the application for the enrollment of Elizabeth E. Perryman by blood of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.A-59
RA

Cher 11022

Su-ba-tah Flint

Trans. from D1605

Cher 11022

FILED
JUL 23 1902

R.
Cher. [illegible]

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL, for enrollment as citizens of the Cherokee Nation.

ROBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Robert Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible]

Q Are there any other persons for whom you desire to make application for enrollment
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

[illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 18 day of July, 1902.

[signature]
Notary Public.

C.F.H. Cherokee D 1605

COPY. DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Su-ba-tah Flint as a citizen of the Cherokee Nation of Shawnee blood.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Su-ba-tah Flint as a citizen of the Cherokee Nation of Shawnee blood. Further proceedings in the matter of said application were had at Vinita, Indian Territory May 26, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Su-ba-tah Flint, is a Shawnee Indian, and is duly identified on the Cherokee authenticated tribal roll of 1880, Delaware District No. 1073. It is further shown that said applicant has continuously resided in the Cherokee Nation since 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Su-ba-tah Flint is entitled to enrollment as a citizen of the Cherokee Nation, of Shawnee blood, and her application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,
this FEB 27 1907.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
WEST OF WHITE OAK, OKLAHOMA, FEBRUARY 17, 1909.

In the matter of the enrollment and allotment of land of Su-ba-tah, or Sa-pa-ta-wa-se, Flint.

Sa-pa-ta-wa-se Flint, stating that she would tell the truth, the whole truth, and nothing but the truth, testified as follows, through Interpreter Susie Timpson:

EXAMINATION BY J.O.ROSSON ON BEHALF OF COMMISSIONER.

Q What is your name? A Sa-pa-ta-sa-we Flint.
Q How old are you? A 60.
Q What is your postoffice? A White Oak.
Q Are you a fullblood Shawnee? A Yes sir.
Q What was the name of your husband? A Joe Flint.
Q Is he dead? A Yes sir.
Q Was he a citizen of the Cherokee Nation? A Yes.
Q Was he given an allotment? A Yes.
Q Were you enrolled as a member of the Eastern Shawnee tribe of Indians? A She was when she was living over there.
Q Did you draw money as an Eastern Shawnee? A Yes.
Q Were you given an allotment of land as an Eastern Shawnee?
A Said she guess she was.
Q Did you select the allotment or was it selected for you?
A She said her brother took her allotment.
Q What was his name? A Tom Captain.
Q Is he living? A Yes.
Q Where does he live? A He lives cross the river at Seneca, Missouri.
Q Is he located in the Eastern Shawnee Reservation? A Says he got an allotment over there.
Q Did you get him to select your allotment for you? A Says she told him to select her allotment.
Q He selected it with your consent, did he? A Said shegave her consent for him to select her allotment.
Q When did he file for you over there? A Says she don't know how long -- quite a while ago.
Q The land he selected, is it good land? A Said it was not very good.
Q Are there any improvements on it? A Yes.
Q What are they? A She said there was a little frame house, fence around it, wire fence.
Q Do you own the improvements? A She said she did own them.
Q Have you ever sold the improvements to any one? A She said she never did.

Q How many acres are there in cultivation? A 60 acres.
Q Have you been leasing or renting the place before this.
A Says she always rented it and then she gets fifty dollars.
Q To whom have you been renting it? A Renting it to white people.
Q Who made these improvements? A She said a white man made the place.
Q For whom? A She owned it.
Q A white man made the place for you? A Yes.
Q Did he build the house for you? A Yes, he built the house for her and built a stable.
Q Did you pay him for improving the land, or was he to have the use of the land a certain length of time for improving it?
A She didn't pay him but he got the use of the land for four years.
Q When were the four years up? A Said she didn't know -- its been about six years ago, she said.
Q During that four years did you get any rent from the land?
A Said he didn't pay her four years he stayed there and he stayed there another year and gave her rent.
Q How much rent? A He paid her forty dollars.
Q Did he move away from the place then? A Yes sir, he moved away from there after that.
Q Since that time have you been renting the place to other parties and receiving the rents? A Yes, she has been renting it ever since and get fifty dollars every year.
Q Did you, yourself, make any application to be enrolled as a citizen of the Cherokee Nation? A No, she said she didn't make no application, she was enrolled as an Eastern Shawnee. She lived over there and then she moved over here.
Q When did you learn you had been enrolled as a Cherokee citizen?
Q Said she don't know.
Q Was it when you received the letter you showed me? A Said that's what she got.
Q Was that the first notice you received? A Yes, that was the first notice.

The letter referred to was addressed to the applicant by the Commissioner to the Five Civilized Tribes February 27, 1907, and inclosed a copy of the decision of the Commissioner of the same date, granting the application for her enrollment as a citizen of the Cherokee Nation.

Q The records show that on November 29, 1907, you appeared before the Commissioner and selected certain land as an citizen of the Cherokee Nation. Had you seen that land before you filed on it?
A Said she never did.
Q Have you seen it since you filed on it? A Says she never has seen it.
Q Can you speak or understand English? A No.
Q Who did your interpreting for you when you filed at Muskogee?
A Said Joe White interpreted for her.
Q Do you know where the land is located you filed on? A Said she didn't know.
Q How much were you paid to file at Muskogee? A Said she didn't get anything.

Q Who paid your expenses down to file? A Said Ben Carpenter paid it.
Q Did he furnish the land for you to file on? A She said he furnished the land, got the allotment for her.
Q Were you to pay him anything to get the land for you? A Said she didn't pay him.
Q Was he to have the use of the land for getting it for you to file on? A She said she was to get the use of it and she said she leased it.
Q To whom did you lease it? A Said she leased it to a white man.
Q For what purpose did you lease it? A Leased it for oil.
Q Were you paid a bonus? A Said they paid her fifteen dollars.
Q Do you remember the name of the man or men you leased it to?
A Said she didn't know.
Q Now you have made an application to relinquish the land allotted you in the Eastern Shawnee Reservation, have you not? A She said a white man come here a while back and said she made a paper out to let the other place go.
Q What was the white man's name? A Said she didn't know his name. He was from Senecca.
Q How much did he agree to pay you to make the relinquishment?
A Said she didn't get anything.
Q Why did he want you to relinquish it? A She said that he told her that she had two allotments and got her to make out a paper and asked her which allotment she wanted to take and she said she told him she would take this allotment here and let the other one go.
Q Did he tell you what interest he had in the matter? A She said she didn't know, said Joe White interpreted for her but didn't tell her anything.
Q Did you think he was working for the Government?
A Said she guessed he was, she didn't know, it was the first time she ever saw him.
Q Would you have executed the relinquishment for him if you had known he was not working for the Government? A She said she would not if she knowed he was not working for the Government.
Q Well then, you thought he was working for the Government did you or not? A She said she just thought that he was working for the Government, said she would not have signed any papers if she knew he was not.
Q State what representations he made to you? A Said he just told her--come over here to see her to see which allotment she had rather take.
Q Do you know what interest Joe White had in the matter? A Said she didn't know, said Clyde Kilgore brought him out here.
Q Did Kilgore swear you to the paper you signed? A She said that other man swore her to the paper.
Q Do you know whether the other man's name was Allen? A Said Allen was here also.
Q Where does he live? A Right over here.
Q What is he? A White man.
Q Did he appear to be interested in the matter? A She said he was not in the house but he was out doors and he signed some papers.
Q Where does Kilgore live? A White Oak.
Q Do you know whether any of these men received anything for inducing you to sign the relinquishment? ? Says she does not know.
Q Who is now in possession of the land allotted you in the Eastern Shawnee Reservation? A. White man is living there.

Q Is he the one that has been renting from you? A Yes, says he used to.
Q Was the rent money paid through the Superintendent over there.
A No, the man who rented always paid her the money.
Q Do you know what will become of the land allotted you over there if you should be permitted to relinquish it? A She don't know.
Q Do you now want to relinquish the allotment selected for you over there? A She said she wanted to now.
Q Why do you? A She said the reason why, she said a person could not get but one allotment and she wanted to take this one over here.
Q This land over here is not improved is it? A She said she didn't know.
Q Has any one tried to get you to take your allotment here in the Cherokee Nation instead of in the Eastern Shawnee Reservation?
A Said there was not any one told her, said she wanted to take her allotment here herself.
Q If the allotment over there is much more valuable, do you think it would be good business judgment to relinquish it in order to accept one less valuable? A Said she didn't know, said she wanted to live here.
Q Are you living on the land that was allotted your deceased husband? A Yes.
Q Have you ever sold it? A Said she sold some.
Q Did you keep the part this house is on and in which you make your home? A Said she didn't sell this.
Q Do you intend to always make this your home? A Said she intended to live here always.
Q Do you ever expect to make your home on the land you selected as your allotment in the Cherokee Nation, provided it is finally allotted to you? A Said she didn't think she would ever live there.
Q Do you know how far it is from here to the land you selected in the Cherokee Nation? A Said she didn't know. Said it is across the Verdigris River and don't know how far it is from here.
Q How far is it from here to the land allotted you in the Eastern Shawnee Reservation? A Said she didn't know how far--said it is a good ways.
Q If you expect to make your home where you are living now then you expect to rent the other land that might be allotted you either here or in the Eastern Shawnee Reservation, do you? A She said she was going to rent that and was always going to live here.
Q Which do you think would bring more, the place allotted you in the Eastern Shawnee Reservation or the one you selected in the Cherokee Nation? A Said she could get more over here.
Q Do you think the land you selected over here is more valuable than the land selected over there? A Says the land over here is more valuable than it is over there.
Q You don't know, do you, if you have not seen the land over here?
A Said she had never seen it but knows it is not rocky over here.
Q Do you know whether it is swamp land next to the river? A Says it is not so very close to the river.
Q Who told you about the character of this land over here?
A Said Ben Carpenter told her--she said he was the one that made her allotment over here, said he found out that piece of land was not selected yet and just filed her on it.
Q How far did he tell you the land was from the river? A Said he didn't tell her.

Q What kind of land did he tell you it was? A Said he told her it was good land and had good timber on it and had some grass land on it.
Q You have seen the land allotted you in the Eastern Shawnee Reservation have you? A Yes, she has seen that land.
Q Do you know about how much it would be worth an acre? A Said she didn't know, said it would not be worth much, said it is rocky and in the timber. She said there was about a hundred acres rocks.
Q How far is it from Wyandotte? A Said she didn't know, a good ways.
Q What if it should turn out that the land you selected in the Cherokee Nation is not good and is less valuable than the land in the Eastern Shawnee Reservation; what would you want to do about it then? A Said she would not do anything at all.
Q Well, if that should turn out to be the case, would you still want to relinquish the allotment in the Eastern Shawnee Reservation? A Yes, she would let that go if it is more valuable than the land here.
Q Why? A Said she don't want it, it is so far from here.
Q Do you expect to sell any of the land you should be allotted if you should be permitted to? A Said she might sell it, she don't know. Said she would sell this land here.
Q This where you are living or this you were allotted over on Verdigris? A Said nobody would want to buy this land here, is not but a little piece here. Said she might sell this allotment over on Verdigris.
Q If you should be allotted the land which you selected over on Verdigris, would you sell it if you were permitted to? A Said she would sell it.
Q If you would sell your allotment if permitted to, would you want to take the more valuable one whether it is here or in the Eastern Shawnee Reservation? A She said she didn't want that one in the Eastern Shawnee, she would rather let it go.
Q Has any one tried in any way to influence you to give up your allotment over there? A She said them folks over there told her to let the place go, that they wanted to sell it.
Q Who was it told you that? A Andrew Dushane.
Q Who is he? A Shawnee.
Q Is he a member of the Tribe over there? A He is Chief of the Eastern Shawnees.
Q How much did he tell you he would pay you if he should sell that place? A Said she never did see him, said she never did see him about it herself, said she would just hear.
Q Is it the understanding that should he sell the place would you get part of the money? A Said she was not going to get anything, just them folks over there was going to divide it.
Q Is that the reason they want you to give up the place, so they can sell it? A Said if she took her allotment here said they wanted her to let that place go over there.
Q Do they want you to let it go so they can sell it? A Said she guessed that is the reason why.
Q Do you think they are trying to "graft" on you? A Said she didn't know, she guessed they was.
Q You would not like for them to, would you? A Said she would not like it at all.
Q You would not want them to get you to do anything that was not for your best interests so that they could make money out of it, would you? A Said she would not like it.

Q Do you think it would be a good thing to kinder look into the matter and find out whether they are trying to rob you? A Said she didn't know.
Q If they are trying to get you to give up the land over there to make money out of it do you think that would be right? A Said she guessed it was alright, she was not the only one they were trying to cheat.
Q If it should turn out to be for your best interests to keep that allotment over there, would you want to do it? A Said she didn't want that over there.
Q Do I understand that you don't want the allotment over there even if this one here is worthless? A She wants this allotment here, she don't want that one over there at all.
Q What if you were deceived as to this land here--what if it should turn out to be no account at al? A Said she would not do anything.
Q Would you still want to relinquish the allotment over there?
A Yes, said she wanted to let it go.
Q Have you received deeds or patents to the land over there?
A Yes, said she got the deeds.
Q Have you them now? A She has got them here.

The witness produces a Deed of Trust dated March 5, 1891, to the land allotted her as a member of the Eastern Shawnee Tribe of Indians.

Q Will you let me have the deed to submit to the Department with your case? A Yes.
Q Have you ever sold the land described in this deed? A Says she never did.
Q Have you ever mortgaged it or encumbered it in any way? A No.
Q All you have ever done is to rent it from year to year is it?
A Yes, that's all.
Q Is there any lease on the land now? A Said there was white folks living there, the ones she rented to last.
Q Are they renting the place this year from you? A Said some folks that was living there last year are living there now.
Q Are they renting from you this year? A She rented to him but he has not paid her.
Q Why has he not paid you? A She said the Superintendent stopped it.
Q Do you know why? A Said when she took her allotment here he stopped it.
Q Do you know who wants to get the land over there if you should give it up? A No, she don't know.
Q Do you know whether the land you selected here in the Cherokee Nationis in one or more bodies? A She said it was in one place.
Q Did Ben Carpenter tell you it was all in one body? A Said he told her it was all in one place.
Q If it is not all in one body he told you something that is not so, didn't he? A He told her it was all in one place.
Q The records show that it is in two different sections, did you know that? A Said she didn't know. She said that Joe White was the one that interpreted for her and that he [illegible] thing about it.
Q Did he tell you how the land lay? A [illegible] tell her.
Q The two tracts are a half mile apart, did you know that before?
A She said, how many acres in it?
Q One tract is a little over sixty acres and the other is forty acres. The forty acre tract is a half mile long and half a quarter

wide and it is on the inside of the section, so it makes a strip four times as long as it is wide, was it your understanding that the land lay in that shape? A She said she didn't understand it. She said all she knew was that it was in one place.
Q It seems you were not fully advised as to the land, do you think there might be other ways in which it was misrepresented to you? A They didn't tell her anything about it, she didn't know it was in two bodies.
Q They gave you to understand it was in one body, didn't they? A Yes, Ben Carpenter told her it was a good piece of land and it was in one body.
Q Is one reason why you want to relinquish the land in the Eastern Shawnee Reservation that you understood this land here was a good allotment and that it was in one body? A She said she wanted to let that place go anyway; she had rather take this place here.
Q Did Ben Carpenter tell you whether this was good oil land or not? A He didn't tell her anything.
Q Are you making application to relinquish the allotment over there of your own free will and without influence from any one? A Said nobody didn't tell her. She found out a person could not take two allotments and she wanted to let that one go and take this one here.
Q Has any one tried to influence you in making your decision to let that allotment go? A Said them folks over there told her to let the place go.
Q What interest has Ben Carpenter in your affairs? A Said he didn't have any interest at all. Said he told her when she went to take her allotment he would pick her allotment for her.
Q Do you know whether he received anything to get you to file on this land in the Cherokee Nation? A Said she didn't know.
Q Is there any other statement you want to make in the matter? A Said that was all.
Q You will be advised as to what the decision of the Department is in your case.

Statement of John Secondyne taken in the above case, west of White Oak, Oklahoma, February 17, 1909.

Examination by J. O. Rosson on behalf of Commissioner.

Q What is your name? A John Secondyne.
Q How old are you? A Near 60.
Q What is your postoffice? A White Oak.
Q Are you a Delaware-Cherokee? A Yes sir.
Q Have you heard the testimony of Mrs. Flint taken today? Q Yes.
Q You know the nature of it, I wish you would state what, if anything, you know concerning her land in the Eastern Shawnee Reservation with reference to her relinquishing it--that is any influence that might be attempted to be used? A About a year ago I was over at Seneca, and I saw Dushane and he took me to one side and got to talking to me about Mrs. Flint, also about her allotment over there in the Eastern Shawnee and of course, why, he seemed to know that she had filed over in here, and why he talked to me, [illegible] you can get her to get on the train and bring her down to Seneca, he said he would see that I would get well paid for it as they would get her to relinquish that allotment over there for it would be good money for them, there was a man there wanting to buy. I told him

I didn't want to have anything to do with it. I told him that--he said if you should happen to take a notion to bring her and do this he would see that it would be alright. He wanted her to relinquish that allotment over there.
Q Did he say how much he would pay you? A No, he said he would see that there would be money for me, he never said how much.
Q What is his full name, do you know? A Yes, Andrew Dushane.
Q Does he hold any position over there in the tribal affairs?
A He was elected Chief.
Q Did he say how much he would get out of it? A No, he didn't say, but he seemed to talk like he would get something out of it outside of the sale that was made
Q Do you know how he would effect the sale? A Well, I guess he would get--I suppose he would get the committee, his council, to sell that land. Make it revert back to the Eastern Shawnees as public domain.
Q Do you understand their surplus land is being sold? A It seems that is the way he said; of course these people that had taken double allotments they would make them relinquish over there and they would sell their surplus.
Q Did he give you to understand that he would make money out of it?
A Yes.
Q And that should you cause Mrs. Flint to relinquish the land or to bring her over there he would pay you something? A Yes.
Q You refused to have anything to do with it? A Yes.
Q Did he tell you anything about the character of the allotment over there? A No, but I am acquainted well over that country.
Q Do you know whether that is good land or not? A Yes, it is pretty good land, that is there is part of it.
Q Do you know anything about who assisted Mrs. Flint in filing in the Cherokee Nation? A Well, Ben Carpenter and Joe White I suppose, they were both together, they took her down to Muskogee.
Q Have you heard anything about whether any one got anything out of getting her to file in the Cherokee Nation? A Yes, I heard that Ben Carpenter and Joe White got a bonus. When they got their part on this land they gave the old lady fifteen dollars. I heard they got a hundred dollars, that is the common talk around in the neighborhood.
Q Do you know what kind of bonus that was? A For an oil lease.
Q Do you know anything about the value of the land as an oil proposition? A No, I don't, although it is not in the oil now at al, I think it is out of the oil territory.
Q Have you heard anything else about this transaction? A That is about all I do know. All I know about it is that I belive that Mrs. Flint is grafted on both ways. That allotment over there is good land, I don't suppose it could be bought today for twenty-five dollars an acre.
Q That is if it were in other hands and could be sold? A Yes.
Q You live about one and one-half miles from Mrs. Flint? A Just a mile.
Q Is it understood in the neighborhood here that designing persons are attempting to get Mrs. Flint to give up her allotment in the Eastern Shawnee Reservation in order that they will make money out of it themselves? A That is my understanding.
Q What is your judgement as to what would be best for Mrs. Flint to do--to hold the land in the Eastern Shawnee Reservation or in the Cherokee Nation? A Well, I have always thought this, that it would be better to hold the land over there, she has always held that place

over there for a good many years, being an Eastern Shawnee herself.
Q Had you heard until lately that she claimed citizenship in the Cherokee Nation? A No, I didn't at all. I heard about Carpenter taking her down to Muskogee.
Q The general supposition is that interested people are trying to get her to relinquish the land in the Eastern Shawnee Reservation so that they can buy it, is that right? A Yes, that is right.
Q Do you know anyone besides the parties mentioned who are mixed up in this affair, or have you heard of any others? A No, I haven't.

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I hereby certify that I reduced to writing the questions propounded to the above named witnesses and their answers thereto and that the above and foregoing is a true and correct transcript of the same.

((John Rowe))

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
TALALA, OKLAHOMA, FEBRUARY 20, 1909.

In the matter of the enrollment and allotment of land of Su-ba-tah, or Sa-pa-ta-wa-se, Flint.

Statement of Ben Carpenter, who, having first stated he would tell the truth, the whole truth, and nothing but the truth, testified as follows:

Examination on behalf of Commissioner by J. O. Rosson.

Q What is your name? A Ben Carpenter.
Q How old are you? A 36.
Q What is your postoffice? A Talala.
Q Are you a Shawnee Indian? A Yes.
Q Do you know Su-ba-tah Flint? A Yes.
Q Is she a fullblood Shawnee? A Yes.
Q Is she a widow? A Yes.
Q How long have you known her? A I have known her for twenty years, been little bit more than that.
Q Did you formerly live neighbor to her? A Yes.
Q She has an allotment in the Cherokee Nation? A Yes.
Q Did you help her locate the land to file on? A Yes sir.
Q Had you seen the land before she filed on it? A Yes.
Q What is the character of the land? A Part of it is pretty good land, 40 acres of it isn't very good, 80 acres is pretty good land.
Q Are there any improvements on it? A No sir.
Q How come you to assist her in filing? A She asked me if I knew any land where she could file on it.
Q Did anyone else have anything to do with your assisting her in filing? A No sir.
Q Did she, herself, ask you to help her? A She didn't ask me to help her, she asked me if I knew any land she could file on.
Q You went with her to Muskogee to file? A No, they started from Vinita, her and Joe White, and I went from here.
Q You assisted her at Muskogee in filing? A Yes, I showed them where the land was; they come from where this land was adjoining some of my children's land.
Q Do you know whether any one asked her to file on land in the Cherokee Nation? A No sir, I don't.
Q Do you know who paid her way to Muskogee to file? A They paid themselves, I reckon.
Q Did you advance her any money to come to file? A No sir.
Q Did she lease her land that she selected in the Cherokee Nation?
A Oil companies did good while after she filed, something like two or three months in the same year, I think, she filed.
Q Do you know how much bonus she received? A She didn't get any bonus.

Q Did you have anything to do with getting the lease from her?
A Yes.
Q State what it was? A They told me that if she is a mind to give them this lease they would take it or they would let it alone; if she is willing to lease this land but they wouldn't pay out anything.
Q Whom do you mean by "they?" A J. B. Milam is the representative, I don't know what the oil company is.
Q He lives at Nowata? A Yes.
Q Do you know how much bonus they paid? A They didn't pay any. If they did they didn't tell me anything about it, I don't think they did.
Q Who got the lease for them? A I got the lease for them, I got Joe to interpret for me. I told him if she is willing to lease it to come down to Claremore.
Q Did you pay her anything for the lease? A No sir.
Q How much royalty is she to get? A She is to get, I believe it was 10th or 8th, and fifteen cents an acre the first and second years and thirty cents an acre the third and fourth years and one dollar per acre after the lease is approved if they don't get to work on it.
Q You think they have made a payment on the lease? A I think they did.
Q Do you know who got the money, that is whether it was paid to her or to some one else? A I don't think there was anybody paid. If there was any money paid they must have somebody got it.
Q How much did you receive for getting the land for her to file on?
A Nothing.
Q Did you get your expenses paid? A Yes.
Q Who paid them? A Milam.
Q Have you ever heard anyone say anything about her giving up the land allotted her in the Eastern Shawnee Reservation? A Yes.
Q What have you heard about it? A I heard Joe White say she was going to give up that allotment there, yonder, East, and take this one here, it would bring her more money. I asked him if the lease was all in good standing and he said, yes.
Q Have you ever heard whether anyone is trying to get her to give up the land allotted her in the Eastern Shawnee Reservation so they could get hold of it? A No sir, I didn't.
Q Do you know Judge Harvey, who lives over about Seneca, Missouri?
A I never heard of him, I don't believe.
Q Do you know whether Mrs. Flint has tried to relinquish the land allotted her in the Eastern Shawnee Reservation? A No, I don't.
Q Then all you had to do with her allotment was to get her to file the land so that it could be leased by Milam? A Yes.
Q They had some land up about Coodys Bluff they wanted filed so they could lease and when you went to Muskogee you found it was filed on?
A Yes.
Q And then you located the other land for Mrs. Flint to file on?
A I told him that before.
Q Then what did he say? A He said they can't give anything for that. He says let her file anywhere she wants to. He said he would not pay anything for that and that all he wanted was an oil lease and would not pay anything for that.
Q You don't know anything about her land in the Eastern Shawnee Reservation and don't know what will become of it [illegible]
A No, I don't.
Q How long since you moved from the neighborhood in which Mrs. Flint lives? A It has been two years ago the 11th, day of this month.

Q Do you know whether Mrs. Flint has made any application to have her restrictions removed? A No, I don't.
Q Is anyone, that you know of, figuring on buying the land allotted her in the Cherokee Nation? A No sir, I don't.
Q You never have heard anything about anyone trying to get her to give up the land allotted her in the Eastern Shawnee Reservation? A No, I don't. All I know about it is what Joe told me, he said she was going to give up that.
Q The lease shows that $173. bonus was paid and Mrs. Flint says that she only received $15.00, do you know who got the other? A No, I don't. I don't think they ever gave her any. If they did I don't know anything about it. As far as I know about it she was not to get any bonus.
Q This land here is out of the oil belt? A Oh, it is a way out. There's nothing doing.
Q If anyone received any money out of getting her to file and for making the lease you don't know anything about it? A I don't know anything about it.
Q You got the lease from Mrs. Flint and it was executed before the County Judge of Rogers County, you say? A Yes sir.
Q Do you know whether the lease recited whether any bonus was paid? A Well sir, I was in and out. I was not interpreting at all, Joe done all the interpreting.
Q Was she paid anything the day the lease was made? A No, she was not paid.
Q You would have known about it because you got the lease? A Yes.
Q Were the names of the lessees put in the lease before the lease was executed? A The lease was already performed when I attended to it.
Q The leases were already fixed up when you received them?
A Already fixed up.
Q Did you read the lease? A No. She never told me whether she was getting any bonus.
Q You don't know whether there was anything said in the leases about the bonus or not? A No, I don't. She seemed to understand them--she seemed to understand what she was doing.

---ooOoo---

I hereby certify that I reduced to writing the question propounded to the above witness and his answer thereto and that the above and foregoing is a true and correct transcript of the same.

John Lewis

Cherokee
D 1605.

Form 5 COPY COPY.

Muskogee, Indian Territory, February 28, 1907.

Su-ha-tah Flint,

White Oak, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, granting your application for enrollment as a citizen of the Cherokee Nation.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.C-81
LMC

Cherokee
D 1608.

COPY

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, granting the application for the enrollment of Su-ba-tah Flint, as a citizen of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.C-82
LMC

COPY

Muskogee, Indian Territory, February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Enclosed is the record in the matter of the application for the enrollment of Su-ba-tah Flint as a citizen by blood of the Cherokee Nation, together with a decision of this office of this date, granting said application.

It will be observed that on page 2 of the testimony of May 26, 1905, William Tooley testified that he thought this applicant had got one hundred sixty acres as an Eastern Shawnee. It is believed that the records of the office of the Commissioner of Indian Affairs will show whether this applicant has ever received an allotment among the Eastern Shawnees, and if she has, whether she has ever relinquished the same. This office has been unable to procure any further testimony in this case than is in the record, but it appears from the record, as it stands, that unless the applicant has received an allotment as a Shawnee, she is entitled to be enrolled as a Cherokee by blood.

In view of the short period of time which remains

during which the applicant can be so enrolled, I have prepared a decision granting her application. It is requested that the records of the office of the Commissioner of Indian Affairs be examined and if it be found that the applicant has never taken an allotment as a Shawnee, the decision herewith transmitted be approved.

There has been prepared and is transmitted herewith a partial schedule containing the name of Su-ba-tah Flint which should be approved in the event that it is not found that the said Su-ba-tah Flint is not entitled to enrollment as a Cherokee by virtue of having obtained an allotment as a Shawnee.

Respectfully,

SIGNED *Cato Bixby.*

Commissioner.

Through the Commissioner of Indian Affairs.

Referrence in body of latter.

(COPY)
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON/

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:-

There are transmitted herewith several reports of Commissioner Bixby, forwarding the records of proceedings in the matter of applications for enrollment of the following persons:-

21796-07, Su-ba-tah Flint as a citizen by blood of the Cherokee Nation.

21806-07, Charles M. Beavers as a citizen by intermarriage of the Cherokee Nation.

21803-07, Referring to Departmental decision of January 26, 1907 (I.T.D.1392-07), affirming decision of Commissioner Bixby of January 10, 1907, denying the enrollment of James M. Price as a citizen by intermarriage of the Cherokee Nation.

Commissioner Bixby reports under date of February 27, 1907, that further proceedings were had in this case and that his decision of January 10, was erroneous, and now recommends that James M. Price be enrolled as a citizen by intermarriage of the Cherokee Nation.

The decisions of Commissioner Bixby favorable to the applicants herein have been considered and found correct and their approval is recommended.

There are also enclosed three schedules containing the

names of Su-sa-tah Flint, a citizen by blood of the Cherokee Nation; Charles M. Beavers, a citizen by intermarriage of the Cherokee Nation; and James M. Price, also a citizen by intermarriage of the Cherokee Nation. It is recommended that if the enclosed decisions be approved that the schedules transmitted herewith also receive the approval of the Department.

Very respectfully,

E. F. Larrabee,

Acting Commissioner.

EFM-HJS.

D.S.14856. (COPY) Y.P.

DEPARTMENT OF THE INTERIOR, THE
WASHINGTON.

I.T.D. 7894-1907.
L. R. S.

March 4, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordancewit h the recommendation contained in your letter of February 27, 1907, the decision of the Department of January 26, 1907, affirming your decision denying, among others, the application for the enrollment of James M. Price as a citizen by intermarriage of the Cherokee Nation, is hereby rescinded as to him, and his application is granted. The Indian Office, submitting your report March 2, 1907 (Land 21796 et al), copy inclosed, concurred in your recommendation.

The schedule bearing the name of this person, received with your letter, has been approved this day.

The Indian Office transmitted two other schedules, one bearing the name of Charles M. Beavers as a citizen by intermarriage of the Cherokee Nation, and the other that of Su-ba-tah Flint, as a citizen by blood of the Cherokee Nation and recommended their approval and the decisions of your office in their favor. In accordance therewith the schedules have been approved. All three schedules will be disposed of in the usual manner.

The papers in the cases will be sent to the Indian Office with a copy hereof.

Respectfully,

H. A. Hitchcock.

Secretary.

7 ins. and
12 for Ind. Of. with
copy hereof.

MoK 1-5-97.

Cherokee
D 1606.

Muskogee, Indian Territory, March 26, 1907.

Su-ba-tah Flint,

White Oak, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, granting the application for your enrollment as a citizen of the Cherokee Nation was affirmed by the Department March 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

Encl.HJ-10.
HJC.

Cherokee
D 1605.

Muskogee, Indian Territory, March 26, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, granting he application forthe enrollment of Su-ba-tah Flint as a citizen of the Cherokee Nation,,was affirmed by the Department March 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Redmore.
Acting Commissioner.

Encl.MJ-11.
HJC

S.F.8434-08.

White Oak Okla
3/11/1908

Hon J. George Right

Commissioner to five Civilized Tribes.

Muskogee, Okla

Dear Sir:

I write to you to give you some information in Regard to certan party having taken Double allotments. the Person is a full Blood Shawnee Indian Woman by the name of Mrs. Widow Joseph Flint. I do not know her first name. She filed some time last fall 1907. I Remember the Party that went with her to file was Joseph White & Ben Carpenter Both Shawnee Indians. But I Believe that there was other Party Interested in it. Grafter. Now I do know to a certenty that she is a Easten Shawnee and took her allotment with the Eastern Shawnees Tribe located near Seneca Mo. & [redacted] acres of Land over there. & has Been Renting it for five or six years. Some one has made her Believe that she was entitled to an allotment in the Cherokee natin. I told the Party that I believe that she couldent hold Two allotments under the Ruling of the Interior Department. Mrs. Flint lives about one mile from my Place west of White oak Okla. Yours & Jno. M. Secondyne.

P.S. I heard from other Parties that Mrs. Flint wishes to have her filing canceled. as she wants to keep her Land on Spring River where she Belongs. after she found out that she had no right to file on Lands in the Cherokee side.

J.M.S.

27250-1908.
Cherokee allotment 38915.

Muskogee, Oklahoma, September 24, 1908.

Mr. Ira C. Beaver,
Superintendent and Special Disbursing Agent of
Seneca Indian School and Quapaw Agency,
Wyandotte, Oklahoma.

Sir:

I am in receipt of your letter of September 11, stating that you have learned from members of the Cherokee tribe that one Mrs. Flint, whose Indian name is Sa-pa-ta-wa-se, who is allotted in the Eastern Shawnee Reservation of your Agency, has also received an additional allotment in the Cherokee Nation.

This matter has been investigated with the records of this office, and it is found that Su-ba-tah Flint of Whiteoak, Oklahoma, has been enrolled as a citizen of the Cherokee Nation and has selected an allotment of lands in said nation, and it has been reported to this office that she had also received an allotment in the Eastern Shawnee Reservation. Doubtless, she is identical with the person referred to by you, and you are requested to advise this office as to the description of her allotment as an Eastern Shawnee and whether patent to said allotment has issued.

I. C. 3. - 2.

In order that the identification may be made complete, you are also requested to advise, if your records show it, the names of her parents.

Respectfully,

Acting Commissioner.

WHM (LBA)

32353-1908. Copy.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,

Seneca Indian School and Quapaw Agency,
Wyandotte, Oklahoma, Nov. 6, 1908.

Commissioner of Five Tribes,
Muskogee, Oklahoma.

Sir:

In answer to your communication 272550-08, Cherokee allotment No. 32915, of September 24, 1908, I have to report that the description of the allotment of Sa-pa-ta-wa-se Flint, age 56 years, in the Eastern Shawnee Reservation is as follows: Allotment No. 65

E/2 of NW/4 of Sec. 1, Twp 27 N., R. 24
SW/4 of SW/4 of Sec 1, Twp. 27 N., R. 24
NE/4 of SE/4 of Sec 28, Twp 28 N., R. 24
Lot No. 1 NW/4 of Sec 28, Twp 28, N. R. 24
Lot No. 2 NW/4 of Sec 28, Twp 28 N., R. 24
Lot No. 3 SW/4 of Sec 28, Twp 28 N., R. 24

The records of our office does not show the names of her parents, but from what her neighbor, Lewis Beaver an Eastern Shawnee, tells me, Sa-pa-ta-wa-se Flint, and Su-ba-tah Flint are one and the same person. The Certificates for patents have been issued for all the allotments in the reservation.

Very respectfully,

(Signed) Ira C Beaver
Supt. & Spcl. Disb. Agt.

JHC

KEH [illegible] F.Jr.
E.W.E.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. January 22 1909.

Land.
23185-1908
79361-1908.
C R

Subject:
Erroneous allotment
Su ba tah Flint and
Andrew J. Whipple.

The Commissioner to

The Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

The Office is in receipt of your report of November 21, 1908, as to the erroneous allotment of land in the Cherokee Nation, Oklahoma, to Su ba tah Flint (widow of Joseph Flint) and Andrew J. Whipple, both of whose names appear opposite Nos. 32915 and 27583 respectively, upon the final approved rolls of Cherokee citizens by blood.

An examination of the records of this Office shows that one "Se-pa-ta-wa-se or --- Flint, widow", as an Eastern Shawnee was allotted lands as follows:

NE/4 of SW/4, Sec. 28, T. 28, R. 24
Lots 1, 2, 9, " " " " " "
SW/4 of SW/4 and E/2 of NW/4 of SW/4, Sec. 28, T. 28 R. 24, E., Ottawa County, Oklahoma.

and patent has been issued and recorded therefor (vide reservations to Eastern Shawnees, No. 65, page 156),

and that "Paw-skon or Andrew Whipple" as an adopted Kickapoo has been allotted lands as follows:

L-23185-2

E/2 NE/4 Sec. 4, T. 10, R. 3,--80 acres and patent has been issued and recorded therefor. (Vide Reservations to Kickapoos page 219).

You report that on November 29, 1907, Su ba tah Flint who is believed to be identical with Sa pa ta wa se selected an allotment of land in the Cherokee Nation as follows:

W/2 of SE/4 of NE/4
W/2 of NE/4 of SE/4, Sec. 6
E/2 of SE/4 of NE/4
SW/4 of SE/4 of NE/4 and
Lot 3, Sec. 7, T. 23 N., R. 16 E.

and submit a request signed by mark "Sopatawasa Flint", witnessed by W. Kilgore and A. Allen, dated November 17, 1908, to which Joseph White made oath as interpreter of the Shawnee language that he truthfully interpreted the contents of "the foregoing instrument to the signer thereof" wherein it is asked that her allotment as an Eastern Shawnee be canceled and that she be permitted to retain her Cherokee allotment.

With a previous report of your office of March 30, 1908, there was forwarded copy of a letter from John H. Secondyne of White Oak, Oklahoma, dated March 11, 1908, wherein the writer says that the widow of Joseph Flint is a full blood Shawnee Indian woman living within one mile of his place west of White Oak, Oklahoma; that Joseph White and Ben Carpenter, Shawnee Indians, went with her to file on land in the Cherokee Nation and charges that grafters are interested in securing to her an allotment in the Cherokee

Nation wherein she wishes to have her allotment canceled as she prefers "to keep her land on Spring River where she belongs," apparently her Shawnee land.

In view of the foregoing allegations of John H. Secondyne, this Office is unwilling to recommend that any action be taken at this time on the petition forwarded with your letter of November 21, 1908, praying that her allotment in the Eastern Shawnee Reservation be canceled and that her allotment selection in the Cherokee Nation be confirmed. You are requested to make a thorough investigation to determine whether she seeks to relinquish her allotment as an Eastern Shawnee of her own free will and without undue influence and whether she is being misled by designing persons to ask confirmation of her allotment in the Cherokee Nation. Testimony should be taken to disclose the facts. You are also requested to inform this Office if Andrew J. Whipple has selected an allotment in the Cherokee Nation and forward copy of certificate of allotment or deed if issued.

Very respectfully,

(Signed) R. G. Valentine.
Acting Commissioner.

WCMcC-19

Muskogee, Oklahoma, February 26, 1909.

Commissioner to the

Five Civilized Tribes.

Sir:

Referring to your letters of January 27, and February 15, 1909, directing me to proceed to White Oak, Oklahoma, and such other places as may be necessary, to make a thorough investigation, at the request which was contained in the letter of the Office of Indian Affairs of January 22, 1909, relative to the allotments selected in the Cherokee Nation and in the Eastern Shawnee Reservation for Su-ba-tah Flint, etc determine whether she seeks to relinquish her allotment as an Eastern Shawnee of her own free will and without undue influence and whether she is being misled by designing persons to ask confirmation of her allotment in the Cherokee Nation," I have the honor to submit the following report:

In accordance with the instructions contained in the letter of January 27, 1909, which contained instructions relative to other duties, you are advised that on account of the extremely cold weather I was unable at that time to make a proper investigation and, therefore, returned to the office.

February 17, 1909, I proceeded to the home of Su-ba-tah, or Si-pa-te-wa-se, Flint west of White Oak, Oklahoma, and

took her testimony at considerable length in regard to the matter of the allotments in the Cherokee Nation and in the Eastern Shawnee Reservation. Mrs. Flint gives her age as sixty years, and does not speak or understand the English language, being a full-blood Indian of Shawnee blood. It is shown that she is the person enrolled as Sa-pa-ta-wa-se Flint and who was allotted the NE/4 of the SW/4 and Lots 1, 2 and 9, section 28, township 28 north, range 24 east, and the SW/4 of the SW/4 and the E/2 of the NW/4 of the SW/4 of section 1, township 27 north, range 24 east, in the Eastern Shawnee Reservation, and is also enrolled as Su-ba-tah Flint upon the roll of citizens by blood of the Cherokee Nation opposite No. 32916, and who made application for the selection of certain land as an allotment in the Cherokee Nation.

As will be shown hereafter, it is apparent that Mrs. Flint has been misled and is not fully informed as to the character and relative value of the two allotments. Very little information could be obtained from Mrs. Flint as to who the parties are who influenced her in executing the attempted relinquishment of the allotment in the Shawnee Reservation, but the natural inference is raised, after reading her testimony, that the person, or persons, who induced her to execute the relinquishment is, or are, desirous of obtaining possession

of the land allotted her in the Shawnee Reservation.

The testimony of John Secondyne was also procured, from which it will be seen that Andrew Dushane, who "was elected Chief," attempted to get Secondyne's assistance in obtaining a relinquishment from Mrs. Flint of her allotment in the Eastern Shawnee Reservation, and that for such assistance, if rendered, Secondyne was to receive a money consideration. Mr. Secondyne states that "he (Dushane) said he would see that I would get well paid for it as they would get her to relinquish that allotment over there, for it would be good money for them. There was a man there wanting to buy," and he further states that he refused to have anything to do with the case.

Joe White, one of the parties who accompanied Mrs. Flint to the Cherokee Land Office and assisted her in selecting her allotment in the Cherokee Nation, and who also acted as the interpreter in procuring the relinquishment referred to, was not at his home, which is in the neighborhood where Mrs. Flint lives, but I located him late in the evening and interviewed him in regard to the case, it being so late, however, I could not reduce his statements to writing. He informed me that he knew nothing of the interest of any outside parties in Mrs. Flint's affairs; that he accompanied Mrs. Flint to Muskogee to select her allotment in the Cherokee Nation and interpreted

for her; that she paid his expenses; that he interpreted to Mrs. Flint the relinquishment referred to; that he did so at the request of a white man whose name he does not know, and that he does not know how much Mrs. Flint received or how much Ben Carpenter, who also accompanied Mrs. Flint to Muskogee to file and who located her allotment for her, received.

As it was apparent, as stated, that Mrs. Flint was misled as to the value of the two allotments, I proceeded to Wyandotte, Oklahoma, for the purpose of making an inspection of the land allotted her in the Eastern Shawnee Reservation. Accompanied by the Superintendent of Quapaw Agency, I made an inspection of the SW/4 of the SW/4 and the E/2 of the NW/4 of the SW/4 of section 1, township 27 north, range 24 east, which was allotted to Mrs. Flint, and found it to be very valuable land. It is practically all in a good state of cultivation; the soil is rich and the land level; it is fenced and has on it a fairly good frame house and out-buildings, which belong to Mrs. Flint. The land is worth, according to my judgment, at least $25.00 per acre. I believe it could be sold at once for that amount. Emra Hopkins informed me that he secured for his brother, John Hopkins, a three year lease on this land from Mrs. Flint, which expires March, 1910, for $50.00 a year, and J. H. McMullen, who lives on the place, informed me that last

September or October he purchased the lease from Hopkins for a consideration of $100.00 per year. Not long since there was sold through the Superintendent of Quapaw Agency either eighty or one hundred and sixty acres of land lying within one-quarter of a mile of this land for over $20.00 an acre, that land being inferior to the above described land.

The other land which was allotted to Mrs. Flint, located in section 28, township 28 north, range 24 east, I did not inspect, as an employe of the Quapaw Agency had recently been over the land and was familiar with its character. He says there are about eighteen or twenty acres of the land lying in the bottoms which is in cultivation and is very fine land. The other, he states, is rough timber land. He also states that there is a log house on the land which is of not much value.

I am informed that the surplus land of the Eastern Shawnees was sold through its Business Committee under an Act of its Council, which was approved by Congress (See 32 Stat. L. 262 Act May 27, 1902); that Judge D. A. Harvey, of Seneca, Missouri (said to be the first Representative to Congress from Oklahoma Territory), held a claim of several thousand dollars against the Eastern Shawnee Tribe for services rendered in a certain claim which the Tribe had against the Government; that the surplus land of the Shawnees was sold to Judge Harvey

through the Business Committee; that the Business Committee "paid back" the money to Judge Harvey to apply on his claim; that the Tribe received no proceeds whatever from the sale of the public land; that it is generally understood the Business Committee received compensation for making such sales, and that should any land now revert to the Shawnee Tribe be public domain, as would be in the case of the land of Mrs. Flint should she be permitted to relinquish the same, it would be sold through the Business Committee on behalf of the Tribe. I learned that Andrew Dushane, who is mentioned in the testimony of John Secondyne, is Chairman of the Shawnee Business Committee, and I further learned that Judge Harvey is interested in the allotment of Mrs. Flint.

From Wyandotte I proceeded to Vinita, for the purpose of making an inspection of the land selected by Mrs. Flint as her allotment in the Cherokee Nation. The forty acres located in section 6, township 23 north, range 16 east, being the W/2 of the SW/4 of the NW/4 and the W/2 of the NW/4 of the SW/4, I found to be on a bluff, except about four acres. Before the allotment of land was begun in the Cherokee Nation George Mabry, who has land adjoining this, cultivated about four acres of the land, but as the soil was of such a poor quality it

would not pay for cultivating, he "threw it out" several years ago and the land has not, since that time, been cultivated. Before the allotment of land commenced the neighbors, according to an understanding among them, cut wood and timber from this land, and there is now very little timber, and none of much value, on it. The bluff, which runs almost the full length of the forty acres, which is a half-quarter wide and half a mile long, is so steep a person could hardly climb it.

The land for which she applied in section 7, township 23 north, range 16 east, is practically worthless. About half of it is overflowed by the Verdigris River. The land has no timber to speak of on it and there are only about two acres that could be placed in a state of cultivation.

Having learned that the allotment in the Cherokee Nation of Mrs. Flint was leased for oil and gas purposes by the Montgomery Oil and Gas Company, of Nowata, Oklahoma, and that the lease showed a bonus paid of $173.70, and as Mrs. Flint stated she only received a bonus of $15.00, I proceeded from Talala, to Nowata, Oklahoma, for the purpose of obtaining such information as I might be able from the lessees of the land. I found that Company to be composed of J. B. Milam, Guy I. Watt and Earl Weible, all of Nowata. Milam and Watt were both out of town, consequently I was unable to see them, and Weible,

being a member of the Company only in a nominal manner, knew nothing of the Company's affairs and could give me no information in regard to the lease procured from Mrs. Flint.

I then returned to Talala for the purpose of securing the testimony of Ben Carpenter. It seems from his testimony that his interest in the affairs of Mrs. Flint was only to the extent of getting Mrs. Flint to file on certain land in order that it might be leased for oil and gas purposes by J. B. Milam and throws no light upon the identity of the persons who are endeavoring to induce Mrs. Flint to relinquish the allotment selected for her in the Eastern Shawnee Reservation.

The sixty acres of land allotted Mrs. Flint in the Eastern Shawnee Reservation that I inspected is conservatively valued at $1500.00, and the other land allotted her is said to be well worth $700.00, making her full allotment valued at $2200.00. The land allotted her in the Cherokee Nation is of very little value, in fact it is so nearly entirely worthless it is hard to fix a price on it.

It is obvious that Mrs. Flint has been misled as to the income she will receive from the land allotted her in the Cherokee Nation. There can be very little, if any, income from it--at most, not as much as $50.00 per year, the amount she has been receiving for her land in the Eastern Shawnee Reservation.

Commissioner--9.

The Cherokee land is several miles out of the oil and gas territory and it is not considered probable oil or gas land.

The testimony of Mrs. Flint, John Secondyne and Ben Carpenter is transmitted herewith, as is also the deed to Mrs. Flint for the land allotted her in the Eastern Shawnee Reservation, which I obtained from her to be used in connection with her case.

Respectfully submitted,

JOH(IS)
Incl. 5-2,

Land
79361-1908
16589-1909
G R

-25852

C.A.W.
R.E.M.
E.B.
H.
3-13-09

Erroneous allotments
of Su-ba-tah Flint
and Andrew J. Whipple.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit reports of the Commissioner to the Five Civilized Tribes, dated February 27, 1908 and November 21, 1908, relative to the erroneous allotments of land in the Cherokee Nation, Oklahoma, to Su-ba-tah Flint, enrolled as a full-blood Cherokee, roll No. 32915, and to Andrew J. Whipple, enrolled as a 1/32 Cherokee, roll No. 27583, on the final approved roll of citizens by blood of the Cherokee Nation.

It appears that Su-ba-tah Flint is identical with Sa-pa-ta-wa-se, or _____ Flint, widow, who was allotted lands as an Eastern Shawnee, as shown by patent dated March 5, 1891, enclosed in envelope herewith.

Through the connivance of certain persons, she was induced to file on certain lands in the Cherokee Nation and asked to be allowed to relinquish her Eastern Shawnee allotment.

Upon an investigation directed by this Office, it

developed that the allotment of Sa-pa-ta-wa-se, or _____ Flint, as an Eastern Shawnee, is far more valuable than her allotment as Su-ba-tah Flint, a Cherokee by blood, and that it is to her best interests that her Eastern Shawnee allotment stand and that she be not permitted to relinquish it as requested, but that her Cherokee allotment selected November 29, 1907, for the lands described in the Commissioner's report of November 21, 1908, and which are practically worthless for agricultural purposes, be cancelled. No certificates have been issued to Su-ba-tah Flint for her selection in the Cherokee Nation.

It is recommended that opposite the name of Su-ba-tah Flint at No. 32915 on the copies of the final approved roll of Cherokee citizens by blood there be made the following notation:

> Not entitled to land in Cherokee Nation, allotted land as Sa-pa-ta-wa-se, Eastern Shawnee, vide Vol. 3, p.424, C.L.O., or Quapaw Vol. 15, pages 114, 120, Indian Office.

As to the allotment of Andrew J. Whipple, it appears that as "Paw-skon, or Andrew Whipple", an adopted Kickapoo, he has been allotted the E/2 of NE/4 of Sec.4, T.10, R.3, 80 acres of land, and patent has been issued and recorded therefor (vide Reservations to Kickapoos, page 219) and that he applied for an allotment in the Cherokee Nation under his enrollment No. 27563, but no allotment selection has been made for him in the Cherokee Nation.

It is recommended that opposite the name of Andrew J. Whipple at No. 27585 on the copies of the final approved roll of Cherokees by blood there be made the following notation:

> Not entitled to an allotment in Cherokee Nation, allotted as a Kickapoo and patent recorded (vide Reservations Kickapoos, page 219).

It is evident that designing persons misled Sa-pa-[illegible] to [illegible] that her Cherokee allotment be confirmed and that her Eastern Shawnee allotment be relinquished in the hope that they might profit by the interchange and a conspiracy was concocted with that end in view.

As it is shown that Andrew Dushane "elected Chief" of Eastern Shawnee was implicated in the conspiracy along with Joe White and others whose testimony was not procured, it is recommended that the United States Indian Agent be directed to make a thorough and complete investigation of the whole transaction with a view to discover whether the evidence establishes a criminal conspiracy between the parties concerned to the end that they may be prosecuted for their nefarious attempt to deprive her of her Eastern Shawnee patented allotment, and that a copy of the existing lease thereon, with evidence showing an inadequate consideration therefor, be obtained with a view to recommending that suit be instituted to cancel the lease.

It is recommended that the patent to lands as an

L-79361-9

Eastern Shawnee, transmitted herewith, be returned by the United States Indian Agent to the patentee in person.

Very respectfully,

(Signed) R. W. Valentine.

Acting Commissioner.

OGP-9

Approved: March 13, 1909.

(Signed) Jesse E. Wilson.

Assistant Secretary.

MAT

2 enclosures.

G

Land
79361-08
16589-09 RAH. MBM.
G.R.

Department of the Interior,
Office of Indian Affairs,
Washington, D. C., March 15, 1909.
Respectfully referred to the United States
Indian Agent, Union Agency, for
investigation as indicated
and appropriate action thereunder.
(Signed) John Francis Jr.
Acting Chief Land Division.

Deed returned to be delivered to patentee
in person

Through Com. Five Civilized Tribes.

Allotment-32918
Cherokee-11022

Muskogee, Oklahoma, March 22, 1909.

Mrs. Su-ba-tah Flint,
(Widow of Joseph Flint, deceased),
White Oak, Oklahoma.

Madam:

You are hereby advised that this office is in receipt of notice of departmental decision of March 13, 1909, refusing to grant your petition for confirmation of your allotment selection in the Cherokee Nation and for cancellation of your allotment selection in the Eastern Shawnee Reservation. The Department authorized the placing of a notation upon the approved roll of citizens by blood of the Cherokee Nation to the effect that you are not entitled to an allotment of land in the Cherokee Nation by reason of the allotment of land made to you in the Eastern Shawnee Reservation.

In view of the Department's action, you are advised that your application for the selection of the following described land as an allotment in the Cherokee Nation has been cancelled, viz:

Surplus:

W/2 of SE/4 of NE/4;
W/2 of NE/4 of SE/4,
Section 4;

Su-bu-tab Flint--2

E/2 of SE/4 of NE/4;
SW/4 of SE/4 of NE/4,
Section 7, Township 23 North, Range 16 East.

Homestead:

Lot 4 of Section 7, Township 23 North, Range 16 East.

Respectfully,

JCH(LS)
Register

Acting Commissioner.

Cher 11023

John D. Lacey

Trans. from D340

Cher 11023

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 18, 1900.

In the matter of the application of John D. Lacey for the enrollment of himself, wife and seven children for enrollment as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q What is your full name? A John D. Lacey.
Q How old are you? A I was born in 1859.
Q What is your post-office? A Xenia.
Q What district do you live in? A Delaware.
Q Who is it you want to have put on the roll? A Myself, wife and seven children.
Q You apply for yourself as a Cherokee by blood? A Yes sir.
Q What proportion of Cherokee blood? A I don't know exactly.
Q Your wife a Cherokee? A No sir, she is a white woman.
Q How long have you lived in the Cherokee Nation? A Born and raised here.
Q Lived here all your life? A Yessir.
Q What district were you in in 1880? A I was here in Coowee-scoowee I think.
Q You say you have lived here all your life except what, have you ever been out of the Cherokee Nation? A I was just out at work never moved out.
Q What district were you in in 1896? A Coowescoowee.
Q Just out on temporary jobs? A Yes sir.
Q Never took up living anywhere else? A I have been moved out but never for any length of time.
Q How long was the longest time you ever moved out A I never was entirely moved out.
Q What do you do? A I am a blacksmith.
Q How long was the longest you ever worked on a job at one time outside? A Well I was in Missouri a while.
I Was out there two or three times.
Q When was the last time you were out there? A I come back last October was two years ago I believe it was.
Q How long had you been out then? A About six months.
Q How long had you staid here before you went out that time?
A I had been here seven or eight years.
Q You had been here a long spell? A Yes sir.
Q And you just went out for six months? A Yessir, I wasn't moved out though; I got crippled and was out there temporary.
Q Did you leave your family here? A Part of my children were here; my wife was with me; I was out there visiting to her father's
Q You were crippled and were you there for your health? A Yes sir.
Q Give me the name of your father? A William Lacey.
Q Cherokee or a white man? A Cherokee.
Q Dead or alive? A He is dead.
Q How long has he been dead? A He has been dead a long time, I don't know how long.
Q More than twenty years? A I think he has.
Q Your mother's given name? A My mother's name was Martha.
Q Cherokee or a white woman? A Cherokee.
Q Dead or alive? A She is dead.
Been dead since 1865.
Q Give me your wife's present name? A Lucy.
Q How old is she? A Born in 1866 I think.
Q When did you marry her? A Married 8th day of last January 1883 I believe it was; we have been married sixteen years 8th day of last January.
Q What was her name when you married her? A Pruitty.

Q What is the name of her father? A Daniel.
Q Dead or alive? A Dead.
Q The name of her mother? A Ellen.
Q Dead or alive? A Dead.
Q Give me the names of these children? A Myrtle L.
Q How old is she? A I think she was born in 1880, 1879 or 1880.
Q Do you think she is twenty years old? A She was born in 1880 I think.
Q Next child? A William D.
Q How old is that child? A He is fifteen years old.
Q How old is the next child? A Thirteen I think.
Q Well give me the name of the child? A Shelley M.
Q You say that child is how old? A Thirteen.
Q The name of the next child? A Miles L.
Q How old is that child? A He is ten. I believe. (Produces list and hands to Commissioner.)
Q Now the next child is Ezekiel? is that right? A Yes sir.
Q Born in 1894, six years old? A Yes sir.
Q Now Jesse F., is thatr ight? A Yes sir.
Q A boy isn't he? A Yes sir.
Q Born May 1896, four years old? A Yes sir.
Q Give me the names of the youngest? A Martha E., I think.
Q How old is that child now? A She is a year old the 7th day of last February.
Q Children all living now are they? A Yes sir.
Applicant: I don't think I was enrolled in 1880.
Q Were you an orphan then? A Ye s sir.
As well as I remember I don't think either one of my parents was living at that time; I know mother wasn't and I don't think father was.
Q You have any brothers and sisters? A Yes sir, Lila was my sister, Miles was my brother.
Q What is the D. for in your name? A Drew.
Q Were you ever in Saline? A No sir.

Examined by Cherokee attorney Hutchings:

Q Wasn't you born out on the neutral land in the Strip?
A No sir, I was born in Flint District.
Q Didn't your father take a reservation out there? A I don't know.
1880 roll for applicant, examined, and name not found.
1896 roll examined for applicant, and name not found.
1896 roll examined for wife and children, and names not found.

By Com'r Breckinridge:

Q Where did you Draw your Strip money? A Cooweescowee District at Vinita; I live d down at Chelsea.
1894 roll for applicant, page 234 #2550 John D. Lacey Cooweescowee;
1894 roll children, page 234 #2551 Myrtle Lacy Cooweescowee;
1894 roll page 234 #2552 William D. Lacy "
1894 roll page 234 #2553 Shellie M. Lacy "
1894 roll page 234 #2554 Miles L. Lacy "
Q How comes that none of your family were on the roll of 1896, were you out of the Cherokee Nation at that time? A No sir, I was right here at Chelsea.
Q Why didn't you have your family enrolled then? A I was enrolled right there.
Q Do you know whether your father was a Reservater? A No sir I do not.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and seven children; he claims to be a native of the Cherokee Nation and to have lived here all his life; he

shows that at times he has been out of the Cherokee Nation, but apparently only for temporary purposes; he is not identified on the roll of 1880 nor are any of his family identified on the roll of 1896; but he and the first four of his children enumerated in the testimony are identified on the roll of 1894; now he and these four children will be placed upon a doubtful card; and when he supplies proper certificates of the birth of the three younger children, who are at present not upon any roll, they also will be placed upon a doubtful card; his wife will also be placed upon a doubtful card and he is desired to furnish the Commission with evidence of the marriage between his wife and himself, which he alleges took place in 1883; it is desired to have either a certificate of the marriage or satisfactory personal evidence of its having taken place; it is probable that his father received his share of what is known as the reservation or neutral lands, and that for that reason the applicant was not admitted to enrollment in 1880; this is a matter not conclusively shown at the present time.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this 20 day of September 1900.

C. R. Breckinridge

Commissioner.

Mattie M. Pace, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above copy. The same is a correct copy of the original transcript.

Mattie M. Pace

Notary Public.

13

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 18 1900

ACTING CHAIRMAN

DELAWARE.

Testimony of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 18 1900 1900.

1 Name John D Lacey. Dena, I.T.

District COOWEESCOOWEE. Year 1894 Page 234 No. 2530

Citizen by blood Yes. Mother's citizenship Wm Lacey — c — d

Intermarried citizen No. Parents Martha E — c — d

Married under what law Date of marriage

License Certificate

2 Wife's name Lucy Lacey.

District Year Page No.

Citizen by blood Yes. Mother's citizenship Daniel Duncan — w — d

Intermarried citizen Yes. Parents Ella " — w — d

Married under what law Date of marriage 1883

License Certificate

Names of Children:

3	Myrtle L. Lacey	COOWEESCOOWEE.	Year 1894	Page 234	No. 2531	Age 20
4	William D "	Dist. "	Year "	Page 234	No. 2532	Age 15
5	Shellie M "	Dist. "	Year "	Page 234	No. 2533	Age 13
6	Miles L "	Dist. "	Year "	Page 237	No. 2534	Age 10
7	Ezekiel M "	Dist.	Year	Page	No.	Age 6
8	Jesse F "	Dist.	Year	Page	No.	Age 4
9	Martha E "	Dist.	Year	Page	No.	Age 1
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age

1 On 1894 Roll as John D. Lacey

3 " " " " Myrtle Lacey

4 " " " " William D. Lacey

5 " " " " Shellie M. "

6 " " " " Miles L "

7, 8, 9 Affidavits to be supplied.

RJ3HB

D340

C -

COMM. CLAIMS
FILED
SEP 21 1960

To be filed with Doubtful Card, #340.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., SEPTEMBER 19, 1900.

In the matter of the application of Myrtle L. Calvin for the enrollment of herself and child as citizens of the Cherokee Nation; said Calvin being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Myrtle L. Calvin.
Q What is your age? A 20.
Q What is your post office address? A Zena.
Q What district do you live in? I could not tell you? Delaware.
Q Are you a recongised citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q What degree of blood do you claim? A I suppose I am about 1/16th.
Q What is the name of your father? A John D. Lacey.
Q Living? A Yes, sir.
Q What is the name ofyour mother? A My mother's name is M. E. Harlow.
Q Living? A No, sir, dead.
Q She a citizen by blood? A No, sir.
Q For whom do you apply? A Just mys lf.
Q You are not married? A Yes, sir.
Q Is your husbandliving? A Yes, sir.
Q You have no children? A Yes, sir, I have one.
Q Do you want to enroll it? A Yes, sir.
Q You have always wantk by the name of Myrtle? A Yes, sir.

W. W. Hastings, Representative of the Cherokee Nation:

Q Where were you in 1896? A Clossea. My mother enrolled me. I was not married then.
Q Did your father ever have any trouble or do you know? A No, sir, he never has had any trouble. My father never enrolled himself and he sent the papers over there. He was in Missouri and was sixk and was not able to come. He went up there to see his wife's people.
Q When didyou move to the Cherokee Nation? A I have lived here all my life.
Q Have you always been recognized as a citizen? A Yes, sir.
Q Your father always recognized as a citizen? A Yes, sir.
Q You always lived in the Nation, all your life?
A Yes, sir.
Q Your father's family was here and he only went up there a short time on a visit? A Yes, sir.
Q How long did he stay out there? A I do not know just how long he did stay

T. B. Needles, Commissioner:
Q Did youxx draw your strip money in 1894? A Yes, sir, my father did.
W. W. Hastings:--What was your father's name on your father's said?
A William Lacey.

Your father enrolled you yesterday.
Q You say you are married? A Yes, sir.
Q What is your husband's name? A John W. Calvin.
Q Ishe living? A Yes, sir.

Myrtle L. Calvin---2.

When were you married? A 9th day of March, 1899.
Q Have you any children? A I have one.
Q What is its name? A Ella.
Q How old is it? A Three motnhs old the 19th df this month.
Q Have you any proof of birth of the child? A No, sir.

Com'r Needles:--The name of Myrtle L. Calvin upon examination of the records, is found to be enrolled with her father upon doubtful card number 340, as Myrtle L. Lacey. She avers that she has a child named Ella, three months of age, she having been married to one John W Calvin in the year 1899. The said Myrtle having been enrolled by her father, she will not be listed for enrollment at this time, but the name of her child, whose name is not found upon the roll of 1896, having been born since the same was compiled, will be duly listed for enrollment upon a doubtful card. Final judgment as to her enrollment will be suspended, and it will be necessary for her to file in order to complete the enrollment, satisfactory proof of its birth.

---oOo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 21st day of September, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 19 1900

Statement of Applicant Taken Under Oath.

DELAWARE.

CHEROKEES BY BLOOD AND ADOPTION.

Date SEP 19 1900 1900.

Name Ima Jr.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Martha L. Colvin

District Year 1894 Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage John O Lacy M. E. Warren

License Certificate

Names of Children:

2 Ella Colvin Dist. Year Page No. Age 3mo

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

2 Affidavit of birth to be supplied

FWBHO

E 1340

FILED
NOV 27 1901

Supplemental, Cherokee D-340.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 25, 1901.

In the matter of the application of John D. Lacey et al, for enrollment as Cherokee citizens.

Appearances:
Applicant, John D. Lacey, in person.

TESTIMONY TAKEN ON BEHALF OF THE APPLICANTS.

WILLIAM J. WALKER, being sworn and examined testified as follows:
BY COMMISSION:
Q What is your name? A William J. Walker.
Q How old are you? A Fifty.
Q Where do you live? A I am stopping here now, but my home is at Colage.
Q Do you know this man here, John D. Lacey? A Yes sir.
Q How long have you known him? A I have known him ever since '79.
Q He always lived in the Cherokee Nation? A Well he has ever since I knowed him, Oh I think he has always lived here, he is out and in; I suppose he has been outside of it.
Q For how long a time has he been gone? A I couldn't say.
Q Was he away as much as a year at a time? A Well I couldn't say that he was out as much as a year at a time.
Q Where was he living in 1880? A He was living up here at Coody's Bluff, that is he was on Cabin Creek.
Q In the Cherokee Nation? A Yes sir.
Q Why isn't his name on the roll of 1880, do you know? A No sir, I can't tell you.
Q Has he always been a recognized citizen? A Ever since I knowed him he has been.
Q Have you ever heard his right to enrollment disputed? A No sir, I never did.
Commission to applicant: You want to ask him any questions, Mr. Lacey? A No sir, I guess not.
Commission: Anything else you want me to ask him? A I don't hardly know that I do.

Commission, examining witness:
Q Do you know whether or not this man was ever enrolled in 1880?
A No sir, I couldn't say whether he was or not.
Q You don't know anything about that? A No sir, all I know I know he was there, but whether he was enrolled or not, I couldn't tell you.
Q You know he was living here at that time? A Yes sir.
Commission:
This testimony will be filed and made a part of the record in case of John D. Lacey, et al, Cherokee Doubtful card No. 340.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this November 26, 1901.

D 340

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 8 1901

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tahlequah I.T. Nov 27 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of John D Harney et al for enrollment as Freedmen of the Cherokee Nation.

No. 6D 340

H. C. Leonhis
Atty for applicants

0340

Certified copy
of marriage lict.
of J. D. Lacy
to
L. F. Prunty.

FRANK EDWARDS,
RECORDER OF DEEDS,
CHRISTIAN COUNTY, MO.

State of Missouri, } ss. This is to certify that the undersigned J...
County of Christian }

... day of January A.D. 1895 unite in marriage the above named persons.

J.J. Welborby, Minister of the Gospel.

The foregoing certificate of marriage was filed for record in my office,
on the 16th day of Feb'y 1895, at 9 o'clock A.M. Jno. C. Rogers,
Circuit Clerk and Ex-Officio Recorder.

IN THE RECORDER'S OFFICE.

State of Missouri,
County of Christian, } *ss.*

I, Frank Edwards, Recorder of Deeds in and for said county, do hereby certify that the above is a true copy of the original Marriage Certificate of J.D. Lacy and D.F. Brunt as the same appears of record in my office, in book 3 *page* 184

In testimony whereof, I have hereunto set my hand and affixed my official seal at my office in Ozark, Mo., this 4th *day of* December 1901

Frank Edwards *Recorder.*

By ..... *Deputy.*

20 D 340

IN RE

Application for Enrollment of

INFANT CHILD

Jesse Franklin Lacey

as a citizen of the

Cherokee *Nation.*

Approved December 20 *1901*

C. R. Breckinridge,
Commissioner.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Filed Dec. 20, 1901.

Tams Bixby, Acting Chairman.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Jesse Franklin Lacey (Here insert name of child), born on the 3rd day of May 1897, 190_

Name of Father: John Drew Lacey, a citizen of the Cherokee Nation.

Name of Mother: Lucy Francis Lacey, a citizen of the Cherokee Nation.

Post-Office: Grove, Indian Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern Jud. District.

I, Lucy Francis Lacey, on oath state that I am 35 years of age and a citizen, by marriage, of the Cherokee Nation; that I am the lawful wife of John Drew Lacey, who is a citizen, by blood, of the Cherokee Nation, that a male (Male or female.) child was born to me on the 3rd day of May 1897 190_; that said child has been named Jesse Franklin Lacey, and is now living.

Lucy Francis Lacey X her mark.

WITNESSES TO MARK:

(Must be Two Witnesses.) Bertha A. Holly

Geraldine Julian

Subscribed and sworn to before me this 2nd *day of* December *1901.*

Seal.

J. Herbert Moore
Notary Public.

My Commission expires 11/21 1904.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern Jud. District.

I, Maggie Vaughan, a midwife, on oath state that I attended on Mrs. Lucy Francis Lacey, wife of John Drew Lacey, on the 3rd day of May 1897, 190_; that there was born to her on said date a male (Male or female.) child; that said child is now living and is said to have been named Jesse Franklin Lacey.

Maggie Vaughan

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 2nd *day of* December *1901*

Seal.

J. Herbert Moore
Notary Public.

My Commission Expe. 11/21 1904.

D 340

IN RE

Application for Enrollment of

INFANT CHILD

Martha Ellen Lacey

as a citizen of the

Cherokee *Nation.*

Approved Dec. 20th *1901*

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED Dec. 20, 1901.

Tams Bixby, Acting Chairman.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Martha Ellen (Here insert name of child), born on the 17 day of February 1899 190

Name of Father: John Drew Lacey, a citizen of the Cherokee Nation.

Name of Mother: Lucy Francis Lacey, a citizen of the Cherokee Nation.

Post-Office: Grove, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Lucy Francis Lacey, on oath state that I am 35 years of age and a citizen, by marriage, of the Cherokee Nation; that I am the lawful wife of John Drew Lacey, who is a citizen, by blood, of the Cherokee Nation, that a female (Male or female.) child was born to me on the 17th day of February 1899 190; that said child has been named Martha Ellen, and is now living.

Lucy Francis Lacey X her mark.

WITNESSES TO MARK:

(Must be Two Witnesses.)

E. L. Bridgeman

Wm. Hill

Subscribed and sworn to before me this 2nd *day of* Dec. *190*1.

Seal.

A. W. Bridgeman

Notary Public.

My Commission expires Nov. 10, 1903.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Zona Booth, a midwife, on oath state that I attended on Mrs. Lucy Francis Lacey, wife of John Drew Lacey, on the 17th day of February 1899, 190; that there was born to her on said date a female (Male or female.) child; that said child is now living and is said to have been named Martha Ellen.

Zona Booth

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 5 *day of* Dec. *190*1.

Seal.

A. W. Bridgeman

Notary Public.

My Commission Expires Nov. 10, 1903.

"R"

Cherokee D-340.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 8th, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the application of John D. Lacey et al for enrollment as Cherokee citizens.

Testimony on behalfof the applicant.

Appearances:
A.H. Norwood, attorney, of Deweyk I.T., for applicants;
W.W.Hastings, of attorneys for the Cherokee Nation.

KATIE LACKY-FITZGERALD being sworn and examinedtestified as follows:

BY COMMISSION:

Q What is your name? A Katie Lacey-Fitzgerald.
Q What is your age? A 42.
Q What is your post-office address? A Talala.

BY MR. NORWOOD:

Q What relation are you to the applicant, John Lacey? A Sister.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A No sir, father was.
Q You are a citizen by blood, a Cherokee? A Yes sir.
Q You know John D. Lacey, do you? A Yes sir.
Q You know where he was born? A Yes sir.
Q State where he was born? A He was born at Hungry Mountain close to Sallisaw.
Q You know what district that's in? A I know the district, but I can't remember the name.
Q It is in the Cherokee Nation, is it? A Yes sir.
Q Who was the father of John D. Lacey? A William Insley Lacey.
Q Who was his mother? A Katie, I don't remember her name.
Q His mother your mother too? A No sir, xx I am just his half sister.
Q Was his father and mother both Cherokees? A I can't really tell you.
Q Was his father a Cherokee? A Yes sir.
Q Was John D. Lacey a xxx recognized citizen of the Cherokee Nation? A Yes sir, always, born and raised in the Cherokee Nation. Raised at Fort Gibson.
Q Do you know where he was in 1880? A I don't exactly know, no, but they said he was in Coffeyville; I don't really know; that's where he told me he was.
Q He always resided in the Cherokee Nation? A Yes sir, except when he would go off on a visit to his wife's folks; he has never been off to live.
Q What is his wife, a white woman? A She is a white woman; her folks live in Missouri.

BY MR. HASTINGS:

Q Where was he married to her? A In Missouri; that is where he told me.
Q What place in Missouri? A He has told me, the place, but I forgot the name.
Q How long have you lived in the neighborhood of Talala? A About eleven years.
Q Where does he live? A Well he lives in Grove now, he has a farm over there.
Q How long has he lived in the vicinity of Grove? A About a year, it has been about five years, or six years; he has beenback and forth there.
Q That is fifty or sixty miles from you isn't it? A I don't exactly know how many milesit is, I can't really tell, it is not a great distance.

Q Where did he live about a year ago, before he moved to the neighborhood of Grove? A He lives in a little town on theother road, Seneca,- no not Seneca,- but- I can't remember, it is a little town on that road away from Grove there, he kept a blacksmith shop there and had a farm in the country; it is in the Cherokee Nation, right close to Grove, I forget the name of the post-office.
Q Post-office in Missouri? A No sir.
Q Arkansas? A No, it is close to Grove, in the Cherokee Nation.
Q I mean a year ago whenhe was over there, where was his post-office then? A When he lived in Missouri?
Q No, before he came to Grove? A I forget the name ofit, it is right close to Grove, on that other railroad apiece.
Q You wasn't familiar with him and his whereabouts were you? A Yes sir, I was; I have had letters from him all the time, but I forget the name of his post-office.
Q How long had he lived in there at that place before he moved to Grove? A Just a year, or two, I can't exactly tell.
Q Where did he move from to that place? A From Chelsea, he lived at Chelsea awhile.
Q How long did he live in the vicinity of Chelsea? A I guess he must have lived there about five years.
Q Where did he live before he went to Chelsea? A He lived close to Tahlequah.
Q You think that was in Canadian District? A Yes sir.
Q You know when he was married? A I don't exactly remember when.
Q Is he older than you or younger? A He is two years older than I am.
Q Did you say you didn't know whether his mother was a white woman or not? A I aint really sure, but I think she was a Cherokee, I aint really sure what his mother was; my mother was a white woman, and I aint really sure what his mother was, I couldn't really tell.
Q What became of his mother? A She is dead.
Q You know where she died? A Yes, she died down near Fort Gibson.
Q You know how many children John has? A I think he has got seven, I can name them all, but I would have to begin and count them up; I know all their names, but I would have to name them and count their number.
Q You know where these children were born? A Yes sir, I know where most of them was born, there's one born in Chelsea, and one born down at Claremore, I believe there was two born at Chelsea, and one born at Claremore, and one betn I think in Missouri, I can't really tell where the others were born, there hasbeen one born at Grove.
Q Didn't I ask you about when he waas married? A Yes sir.
Q You said you didn't know? A I said I couldn't really tell the time.
Q He ever been married but the one time? A Yes sir, he has been married twice, he has got one girl-
Q Who was his first wife? A Ellen Harlow.
Q What became of his first wife? A Dead now; she left him.
Q They separated? A Yes sir.
Q How long had they been separated before she died? A I believe they was separated a year, I can't really see unt for that either, I couldn't exactly tell.
Q Was she dead when he married the second time? A I think she was, I aint really sure.
Q Are you positive about that? A No sir, I am not positive about that.
Q Do you know where she died? A Right close to Chelsea I think somewhere, I aint really certain either.

BY MR. NORWOOD:

Q What relation is John Lacey to Miles Lacey? A He is a full brother of Miles Lacey.

BY MR. HASTINGS:

Q Were you ever re-admitted to citizenship in the Cherokee Nation? A Yes sir.
Q How long have you been back here the last time? A I have been back about thirteen years.
Q Where did you go to? A I went to Nebraska.
Q Before or after you were married? A After I was married.
Q How long did you remain in Nebraska? A Five years.
Q Were you re-admitted after you came back here? A Yes sir.
Q Are you on the roll of 1880? A No sir, I was in Nebraska then.
Q In Nebraska then? A Yes sir, that was when I left and went to Nebraska with my husband.

BY COMMISSION: This testimony will be filed and made a part of the record in the matter of the application of John D. Lacey, et al, Cherokee card No. D-340.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this January 8th, 1902.

Commissioner.

"R"

D 240

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 25, 1902.

In the matter of the application of John D. Lacey, for the enrollment of himself, wife and children as citizens of the Cherokee Nation:

Appearances:
J. R. Sequichie, Chelsea, I. T., for applicants;
W. W. Hastings, for the Cherokee Nation.

The Commission: Is there any statement you desire to make relative to this case ? A No sir.

Agent for the applicants and the representative of the Cherokee Nation present, submit this case to the Commission for final consideration; and the same is ordered closed, and is reported to the Commission for final decision based upon the evidence now on file.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this February 26, 1902.

Commissioner.

no D 340

IN RE

Application for Enrollment of

INFANT CHILD

Ezekiel M. Lacey

as a citizen of the

Cherokee *Nation.*

Approved April 30 *1902*

T. B. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED Apr. 30, 1902.

Tams Bixby, Acting Chairman.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation, of Ezekiel M. Lacey (Give name in full), born on the 26 day of Feb. 1894, 190

Name of Father: John D. Lacey, a citizen of the Cherokee Nation.

Name of Mother: Lucy F. Lacey, a citizen of the Cherokee Nation.

Post-Office: Grove, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } District.

I, Lucy F. Lacey, on oath state that I am 36 years of age and a citizen, by Intermarriage, of the Cherokee Nation; that I am the lawful wife of John D. Lacey, who is a citizen, by blood, of the Cherokee Nation, that a male (Male or Female) child was born to me on the 26 day of Feb. 1894 190; that said child has been named Ezekiel M. Lacey, and is now living.

Lucy F. Lacey X her mark.

WITNESSES TO MARK

(Must be Two Witnesses) { John G. Petty
James Petty

Subscribed and sworn to before me this 26 *day of* March *1902*

Seal. T. S. Remsen, *Notary Public.*

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } District.

I, Geo. W. Morrison, a Physician, on oath state that I attended on Mrs. Lucy F. Lacey, wife of John D. Lacey, on the 26th day of February 1894, 190; that there was born to her on said date a male (Male or Female) child; that said child is now living and is said to have been named Ezekiel M. Lacey.

Geo. W. Morrision, M.D.

WITNESSES TO MARK

(Must be Two Witnesses) {

Subscribed and sworn to before me this 26 *day of* April *1902*

Seal. Archibald Bonds *Notary Public.*

R
Cher
Supl'l to D 340

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 12, 1902.

In the matter of the application of John D. Lacey, for the enrollment of himself, and his children Myrtle L. Colvin, William L. Lacey, Shelley M. Lacey, Miles L. Lacey, Mackiel M. Lacey, Jesse F. Lacey, and Martha E. Lacey; and his grand-daughter Ella Colvin, as citizens by blood of the Cherokee Nation; and for the enrollment of his wife Lucy F. Lacey as a citizen by intermarriage of the Cherokee Nation:

TESTIMONY IN BEHALF OF APPLICANTS.

Appearances:
Applicants appears by Joseph Ross;
Cherokee Nation, by J. G. Starr;

JAMES C. BARNES, called as a witness, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A James C. Barnes.
Q How old are you ? A Thirty nine.
Q What is your post office address ? A McClain.
Q Are you acquainted with the applicant in this case John D. Lacey ?
A Yes sir.
Q How long have you known him ?
A For about--ever since 1873.
Q What do you know about his marriage to his present wife Lucy F. Lacey ? A I don't know anything about that.
Q What do you know as to his citizenship ?
A I know he is a Cherokee by blood. At least his father was.
Q Is his father living or dead ? A He is dead.
Q Do you know where John D. Lacey was born ?
A I think he was born in Flint.
Q He is an older man than you isn't he ? A Yes sir.
Q About how old was he when you first remember him ?
A About seven or eight years old.
Q Have you known him continuously since that time ?
A Yes sir.
Q Where has he been living ? A Principally in Goweesecowee District since he left our place. He lived with us seven or eight years. My father partly raised him.
Q When did you last see him ? A A little over a year ago.
Q Do you know whether or not he has lived in the Cherokee Nation or Indian Territory continuously since you became acquainted with him ? A Yes sir.
Q Do you know whether all his children were born here ?
A I don't know anything about his children. I have never been to his home. I live at Clarkmore.
Q Do you know where this man was living in 1890 ? John D. Lacey ?
A Yes sir.
Q Where ? A Well, he I don, for sure.
Q Do you know where he was living in 1896 ?
A Yes sir, he was in Goweesecowee.
Q Did you see him between 1896 and 1898 ? A Yes sir.
Q How often ? A I can't tell you how often. After left our place he went to Fort Gibson. We lived near Sullivan then. He stayed there a while; he is some relation to the Thorntons. From there he went to Goweesecowee District, and I never saw him any more until just before the Strip Payment.
Q When did he go to Fort Gibson ?
A Well, I disremember; sometime in 1890, about 1895 or 1896.
Q From then on up to about 1894 you never saw him ?
A Some time about six or seven years I didn't see him.

Q You don't know where he was living during that time ?
A No sir, I do not.
Q Was his father a recognized citizen ? A Well--
Q Did you know his father ? A Yes sir I knew his father well. Well, no sir; he was a Cherokee alright, my father and him was raised together, but they didn't recognize him as a citizen on one account: he sold his right in the Neutral Land, and after that he come here and still held land in common after he come here. They never tried to take his land away from him, but he never drawed money.
Q How about Martha Lacey, John D. Lacey's mother ?
A No sir, I didn't know her. She died; that's how he come to come to our house, she was dead.
Q As a matter of fact has John D. Lacey ever been recognized as a Cherokee in any manner other than by being allowed to draw strip money? A He drawed bread money with us, and he drawed money all the way through.
Q Do you know why his name is not on the census roll of 1896 ?
A No sir.
Q Do you know why it is not on the roll of 1880 ? A No sir.
Q Did you ever hear of his right to enrollment being disputed ?
A No sir, I never did.
Q How old was John D. Lacey when his father died ?
A I suppose he must have been about---
Q Was he a grown man ? A He must have died in 1883 or 1884, I disremember now.
Q You stated that William Lacey, applicant's father, was never recognized by the Cherokees as a citizen ? A No sir, he was not.
Q Did they recognize John D. Lacey as a citizen prior to the death of his father ? A Yes sir.
Q Prior to the death of the father they recognized the son ?
A Yes sir. The old man knew Bill Lacey to be a Cherokee by blood. In selling his rights out that debarred his claims here so they claimed. I only knew what old people told me.
Q Well, it didn't debar his son ? A No sir.

Examined by J. G. Starr:

Q How old was John D. Lacey when you first became acquainted with him ? A About seven or eight.
Q Where was he living ? A Near Sallisaw on Big Sallisaw.
Q Where were you living ? A Right there. My father partly raised him. He lived with us.
Q Where did you go from there ? A To Braggs.
Q What became to John D. Lacey then ?
A I can't tell you. He went to Fort Gibson, but I don't know how long he remained there, and he disappeared from there, and the next I saw of him was in Claremore.
Q Who was it that recognized John D. Lacey as a citizen ?
A Everybody.
Q At the same time they said his father was not a citizen ?
A Yes sir. He was a Cherokee alright, but he sold his rights out.
Q Where did John D. Lacey's fatherlive when he died ?
A At Sallisaw.

Examined by Joseph Ross:

Q Was his mother a Cherokee woman ? A I can't tell you.
Q What land did he sell ? A It was Neutral Land, I suppose.
Q Did John D. Lacey vote ever in the Cherokee Nation ? A Yes sir. He was allowed to vote the same as the rest of us boys, when we got old enough.
Q Your father was William Barnes ? A Yes sir, William Barnes.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this August 12, 1908.

Notary Public.

Cherokee D-340.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 21, 1902.

In the matter of the application of John D. Lacey for the enrollment of himself and children, Myrtle L. Colvin, William L., Shelley M., Miles L., Ezekiel M., Jesse F. and Martha E. Lacey, and grandchild, Ella Colvin, as citizens by blood, and for the enrollment of his wife, Lucy F. Lacey, as a citizen by intermarriage of the Cherokee Nation; said Lucy F. Lacey, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Lucy F. Lacey.
Q How old are you? A Thirty-six.
Q What is your postoffice? A Grove, Indian Territory.
Q Are you a white woman? A Yes sir.
Q Are you claiming the right to be enrolled as a Cherokee citizen by intermarriage? A Yes sir.
Q What is your husband's name? A John D. Lacey.
Q Is he a Cherokee by blood? A Yes sir.
Q How long has he lived in the Cherokee Nation? A He was born and raised over at Fort Gibson.
Q Did he live in the Cherokee Nation all his life? A Yes sir, he has been out three months on a visit to see my people. I have known him for eighteen years and that is all the longer he has been out.
Q What is his mother's name? A I don't know her name, she was dead.
Q Martha Lacey? A I think so, yes sir.
Q Did you know her? A No sir, she was dead when we married.
Q What district has your husband been living in? A In Cooweescoowee a while we lived and in Delaware.
Q When were you married to him? A In '85.
Q Where was your husband living in '85? A He had his residence here in Cooweescoowee District on Big Caney, but we were married in Missouri.
Q How long had he been living in Cooweescoowee District? A I don't know, I just got acquainted with him about three months before we were married.
Q How long did you live in Cooweescoowee District after you were married? A Two years.
Q Then where did you go? A Went to Chelsea.
Q What district is that in? A I don't know myself.
Q Then where did you go from Chelsea? A Claremore.
Q And then where, where were you living in 1890? A At Grove.
Q What district is that in? A I couldn't tell you.
Q Is it Delaware District? A Yes sir.
Q Have you been living in Delaware District since 1890? A Yes sir, aint never been out of there.
Q When did you say you married John D. Lacey? A '85.
Q Did you have a marriage certificate? A Yes sir, Mr. Ross here in town has our marriage certificate.
Q An Attorney? A Yes sir, my husband let him have it when he was down here before.
Q You better see Mr. Ross and get that back, can't you do that today? A I don't know whether I can find him or not.
Q Was your marriage certificate ever filed with this Commission? A Yes sir, it has been before this Commission; that is why he wanted it.
Q After you showed it to the Commission? A I don't know whether my husband showed it to the Commission or not.
Q When did Mr. Ross get it? A This last August some time. I think it was in August.

Q What did he get it for? A They sent for me to get my marriage certificate down here and my husband was drinking and he let this gentleman have it and he has got it yet. I wrote to him a while back and he said he still had it.
Q Have you anybody who saw you married? A No sir, we were married in Missouri at my father's house and then come right to the territory.
Q None of your neighbors in the Cherokee Nation? A I have lots of neighbors here this morning.
Q None of them saw you married? A No sir, not one of them here.
Q Is John D. Lacey your first husband? A Yes sir.
Q He never was married before he married you? A Yes sir, he was married before.
Q How often? A Once, that is all I ever knowed of.
Q What was the name of his first wife? A Ellen Harlow; Col Harlow's sister.
Q Is she dead? A Yes sir.
Q Was she dead when you married him? A Yes sir.
Q You never had been married before? A No sir.
Q Did John D. Lacey have any children by his first wife? A Yes sir, one living child.
Q What is its name? A Myrtle L. Colvin; she married a man by the name of John Colvin.
Q Is that the only child Mr. Lacey had by his first wife? A That is all living.
Q How many children have you by John D. Lacey? A Six.
Q Are they all living? A Yes sir.
Q Have they all lived in the Cherokee Nation ever since they were born? A Yes sir.
Q Who is Ella Colvin? A That is Myrtle's little baby.
Q You don't know whether she is living or not? A No sir, I aint seen her for two years.
Q You don't know whether Myrtle is living or not? A No sir, she was at Wagoner the last time I heard of her.
Q How long ago has that been? A Very near two years.
Q You and your husband made your home in the Cherokee Nation since '85? A Yes sir, I have been to Missouri on a visit; I never was out more than three months at a time.
Q You know why your husband is not on the roll of 1880? A He was scouting, that is what they all say. He was in Coffeyville, Kansas in 1880 when the roll was taken.
Q What was he doing there? A Hiding from the marshal I reckon.
Q Why isn't his name on the roll of 1896, do you know that? A Aint his name on the roll of 1896? He drawed his oldest child's money.
Q That was in '94; two years after that, where were you living in '96? A We lived the other side of Tahlequah; we come there and stayed about three months and come back and moved close to Grove.
Q You lived near Tahlequah in '96, what time of the year in '96, spring, summer or fall? A In the fall we lived near Tahlequah.
Q You lived there how long? A It was in February we moved to Tahlequah.
Q February what year? A I couldn't tell you just what year it was.
Q How long did you live there? A About three months.
Q Then come back to Grove? A Yes sir, close to Grove. We live right in town now, we haven't lived there but a year right in the town own.

S—John D. Lacey et al.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

S. G. Rothenburger

Subscribed and sworn to before me this 21st day of November, 1902.

B. O. Jones
Notary Public.

Cherokee D-340.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 31, 1902.

In the matter of the application of John D. Lacey for the enrollment of himself and children, Myrtle L. Colvin, William L., Shelley M., Miles L., Ezekiel M., Jesse F., Martha E. Lacey, and grandchild, Ella Colvin, as citizens by blood, and for the enrollment of his wife, Lucy F. Lacey, as a citizen by intermarriage of the Cherokee Nation.

Lucy F. Lacey, reappearing in this case, and having been duly sworn, testified as follows: Applicant appears by Joshua Ross, Cherokee Nation by J.C. Starr.

Q When were you married to John D. Lacey? A I was married in '83 if I aint mistaken.
Q What day? A The 8th day of January.
Q By whom were you married? A Mr. J. D. Holybee.
Q Is he a Minister of the Gospel? A Yes sir.
Q Where were you married? A We were married in Christian County, Missouri.
Q Did you get a license? A Yes sir.
Q You were married under that license? A Yes sir.

Charles O. Frye, being sworn and examined, testified as follows:
By J. C. Starr: What is your name? A Charles O. Frye.
Q What is your postoffice? A Sallisaw.
Q What is your age? A Forty-nine.
Q Did you know William Lacey in his lifetime? A Yes sir.
Q How long did you know him? A I first knew him about thirty years ago.
Q Where did he live? A He lived down in Sequoyah near me. In fact, he was right around about the place there all the time.
Q Do you know how the people recognised him in the way of his citizenship down there? A Yes sir, he was always said to be a reservator.
Q Always recognized throughout the country as a reservator? A Yes sir.
Q He was not a recognized citizen of the Cherokee Nation when you knew him? A No sir, they always considered him a reservator.
By Joshua Ross: Where was he a reservator at? A In Kansas I think.
Q Neutral land? A I never heard that part of the question discussed.
Q Do you know that he was a Cherokee by blood? A He was always said to be a Cherokee.
Q Was John D. Lacey a minor? A Yes sir, he must have been fifteen or sixteen. I have known him all his life, for thirty years past, but when they lived there he was about thirteen or fourteen or fifteen years old.
Q He was living with his father in Sequoyah was he? A Yes sir, they had a little camp over there right close to me.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

R. P. Rothenburger

Subscribed and sworn to before me this 22nd day of November, 1902.

T. B. Needles
Notary Public

Affidavit of Frank Edwards in the matter of the Claim of John D. Lacey.

State of Missouri, } ss.
Christian County. }

Frank Edwards, of lawful age having first been duly sworn according to law deposes as follows: I am, and have been for a period of nearly Forty years a resident of Christian County Missouri, and have for the past eight years been the Recorder of deeds of said Christian county. That the marriage records of said county show that on the 7th day of January 1885, a marriage license was issued by John C. Rogers who was then the Circuit Clerk and Ex Officio Recorder of deeds of said county to J.A.Lacy and L.F.Prunty, and that on the 8th. day of January 1885, said Lacy and Prunty were united in marriage by James M. Holderby, a minister of the Gospel. I was well acquainted with the said parties and know of my own personal knowledge that the names should appear as John D. Lacey and Lucy F. Prunty. I was well acquainted with Daniel Prunty, the father of said Lucy F. Prunty and knew her before she married said Lacey,. I was well acquainted with John D. Lacey for a number of years while he lived at the village of Nixa, Christian county Missouri, it being the same neighborhood in which I was raised, and know that he is the same man that married Lucy F.Prunty. And further that the marriage records of Christian county do not show the marriage of any other Lacey to Prunty, and know of my own personal knowledge that said License were issued and intended for John D. Lacey and Lucy F. Prunty and that it should appear so on the records instead of J. A. Lacy and L.F.Prunty, as they are one and the same parties. Further Deponent sayeth not.

Frank Edwards,
Recorder of Deeds in and for Christian Co.Mo.

Subscribed and sworn to before me this the 2nd. day of March A.D.1903. My Commission as a Notary Public will expire on the 20 day of August 1906. Witness my hand and official seal at Ozark, Mo., this 2nd day of Mar. 1903.

John C. Rogers,
Notary Public.

Seal.

FILED
MAR 25 1905
COMMISSION TO FIVE TRIBES.

Cherokee-D-340.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 20, 1905.

In the matter of the application for the enrollment of John D. Lacy et al. as citizens of the Cherokee Nation.

This cause will be continued to April 6th., 1905, for the simple reason that John D. Lacy is dead.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the proceedings had in the above entitled cause on the 20th. day of March, 1905, and that the above is a correct record of the proceedings had in said cause on said date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 24th. day of March, 1905.

Myron Exhibit

Notary Public.

D. 348

FILED
APR 13 1905
COMMISSION TO FIVE TRIBES.

Cherokee-D-340.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 6, 1906.

In the matter of the application for the enrollment of John D. Lacy et al. as citizens of the Cherokee Nation.

Cherokee Nation represented by W. W. Hastings.

COMMISSION.

Applicants represented by A. H. Norwood and J. D. Cox.

Mrs. John D. Lacy, being duly sworn, testified as follows:

MR. NORWOOD:

Q. What relation were you to John D. Lacy? A. No relation at all-- I was his wife.
Q. Is he living or dead? A. Dead.
Q. When did he die? A. A year ago the 15th. day of last October.
Q. Are you the mother of the children for whom John D. Lacy made application? A. Yes sir, all but one.
Q. What one is that? A. That is his daughter, Myrtle.
Q. Are you the mother of William L., Shelly M., Miles L., Ezekiel M., Jesse F., and Martha E. Lacy? A. Yes sir.
Q. When were you married? A. In 1885.
Q. Where have you and Lacy lived since that time? A. We have lived at several places, but have lived in the Territory all the time.
Q. Where did you live in 1896? A. At Chelsea.
Q. In the Cherokee Nation? A. Yes sir.
Q. Were you there during the whole of the year of 1896? A. With the exception of five or six weeks when we visited in Missouri. My mother was very sick and we went to see her.
Q. How long did you remain in Missouri? A. About six weeks.
Q. During that time did anything occur to prevent your immediate return? A. My husband got hurt there. A team ran away with him and broke his shoulder, and he was not able to travel for six weeks.
Q. Did you or he, during that year, make any effort to have your selves and children enrolled? A. Yes sir, I come down from Missouri to Chelsea to enroll them. McIntosh was one of the Commissioners, and I don't know who the other one was, and they refused to enroll him or the children.
Q. Did they assign any reason? A. Because he wasn't there.
Q. You made every effort that you could? A. Yes sir, I did my best to get him and the childrenenrolled, and they wouldn't allow me.
Q. When you returned, it was then too late, was it? A. Yes sir they were done gone when we get back.
Q. The reason you couldn't return earlier was because he was hurt and couldn't come? A. Yes sir.
Q. When you lived at Chelsea did you have any property? A. Yes sir, but we sold it and moved to Claremore.

Q. Did you sell it when you went to Missouri? A. No sir.
Q. When you went to Missouri what property did you leave at Chelsea? A. Everything we had but the team we drove.
Q. Did you leave any cattle? A. A cow and calf and all the household things.
Q. Did you have any hogs? A. I don't remember.
Q. You say that he had one child when you and he were married? A. Yes sir.
Q. What was her name? A. Myrtle.
Q. What became of that girl? A. She is in Missouri at my brother's. She has been there about six weeks.
Q. Is she married? A. Yes sir.
Q. Got any children? A. Yes sir, three.
Q. I see there is one child named Ella. Is that Myrtle's child? A. Yes sir.
Q. Do you know when that child was born? A. I don't know that I could tell the day of the year that it was born.

(COMMISSION)-- The record is the best evidence is it not?)

Q. Were you present when that child was born? A. Yes sir.
Q. What is its name? A. Ella May I think. I believe it has a double name. I know it is named Ella.
Q. Is that child living? A. Yes sir.

(Mr. Norwood--- I desire to complete this by supplying the proof of the birth of this child. Would it be best to have a birth affidavit?
COMMISSION --- Yes sir. That is the rule of the Commission.)

COMMISSION:

Q. You are a white woman, are you? A. Yes sir.
Q. You claim no rights as a citizen by blood? A. No sir.
Q. Is Myrtle living? A. Yes sir.
Q. Is William L. living? A. Yes sir.
Q. Is Shelley M. living? Yes sir.
Q. Is Miles L. living? A. Yes sir.
Is Ezekiel living? A. Yes sir.
Q. Is Jessie F. Living? A. Yes sir.
Q. Is Marthe E. living A. Yes sir, they are all living today.
Q. Are they all living with you? A. All but my daughter who is married. She is living to herself.
Q. That is Myrtle? A. No sir, she is my stepdaughter. Shelly M. Is my daughter that is married.
Q. When did she marry? A. Last December.
Q. Up to September 1, 1902 did they live with you in the Cherokee Nation? A. Yes sir.
Q. Who was the mother of Myrtle? A. Her name was Ellen Harlow before she married Mr. Lacy.
Q. She was a white woman? A. I think so.
Q. She was not a Cherokee by blood? A. I think not.
Q. You and all of these children claim your rights through John D. Lacy? A. Yes sir.

MR. HASTINGS:

Q. When were you married to Mr. Lacy? A. In 1885.
Q. Where? In Missouri.
Q. Where in Missouri? A. Out in the country from Springfield.
Q. How long had you known him before you were married? A. Four months.
Q. Had you ever seen him before then? A. No sir.

Q. Where was Myrtle L. Colvin born? A. I don't know.
Q. Where was William L. born? A. In Missouri.
Q. Were you living in Missouri? A. No sir, I lived in the Territory, but I went back to my mother.
Q. Did you ever hear your husband say where Myrtle was born? A. I believe I have heard him say that she was born on Coody's Bluff.
Q. Where was Miles L. born? A. At Tahlequah.
Q. Where does your stepdaughter now live? A. She is in Missouri with my brother.
Q. Near what town? A. 12 miles south of Springfield.
Q. How long has she been there? A. About six weeks.
Q. Where was she married? A. Down here close to Tulsa.
Q. Where was her child born? A. At Zena.
Q. How long did you live in Missouri after you and your husband were married? A. Not more than two months.
Q. You said you applied to the census takers in '96 to be enrolled? A. Yes sir.
Q. And you said that the reason they wouldn't enroll you was that he wasn't here, but didn't they tell you that they didn't find your husband's name on the '80 roll?? A. I don't remember what all they said, but I believe it was that.
Q. Didn't they tell you that because they couldn't find him on the '80 roll they were not allowed to enroll him as a descendant? A. Mr McIntosh told me that the reason they wouldn't enroll him was because he wasn't there.

WITNESS EXCUSED.

G. H. Harlow, being duly sworn, testified as follows:

MR. NORWOOD:

Q. State your name, age, and where you live? A. G. H. Harlow, 60 years old, live near Hudson post office in the Northern District of the Cherokee Nation.
Q. Were you acquainted with John D. Lacy in his lifetime? A. Yes sir.
Q. When did you first know him or become acquainted with him? A In '79.
Q. Where? A. Coody's Bluff.
Q. What was he known as -- a Cherokee or a white man? A. He was known as a Cherokee.
Q. Was he recognized as such in the community? A. That is all that I ever heard --- was that he was a Cherokee.
Q. Was he married? A. No sir, not when I first knew him.
Q. Did he marry after you first knew him? A. Yes sir.
Q. Who did he marry? A. A sister of mine.
Q. What was her name? A. Ellen.
Q. Do you know just when they married? A. I don't know the exact date, but it was the latter part of '79 or the fore part of '80.
Q. Had she been married previous to that? A. Yes sir.
Q. Who was her first husband? A. Riley.
Q. Did she have any children by him? A. Yes sir.
Q. How many? A. Two.
Q. How long did she and John D. Lacy live together? A. I think they lived together about three years.
Q. Did they have any children? A. Yes sir.
Q. How many? A. Two.
Q. What were their names? A. Myrtle, and the other one died when it was an infant.
Q. Are they both living? A. No, Myrtle is living.

Q. Where did John live during the years of '79, '80, and '81? A. In the vicinity of Coody's Bluff, and at different places around in that vicinity.
Q. Is his ~~xx~~ wife living yet -- your sister? A. No sir.
Q. She died when? A. I couldn't be just positive, but I think it must have been in '82-- either '81 or '82.
Q. Did you know that during the year of 1880 the Cherokee Nation took a census of the people? A. Yes sir.
Q. Where were you then? A. At Coody's Bluff.
Q. Do you know anything -- any reason why John D. Lacy was not enrolled or placed on that roll by the census takers? A. I only know by what parties told me.

(MR. HASTINGS---I object to that. It seems that it is branching this case off to bring in an element of doubt. An interested party is testifying as to a report in the neighborhood.)

Q. Who gave you any reason why he was not enrolled ? A. He was enrolled, I was informed, and old man Looney Riley got mad at him about something, and one day I met him in the road and he said he was going down and have John Lacy scratched off the roll because he was a reservator.

(Mr. Hastings-- Now I will withdraw my objection.)

Q. Do you know any other reason why he was not enrolled? A. No, I do not.
Q. Was John a man that was careful and prompt in his business matters? A. No sir.
Q. How about his sobriety? A. He was very reckless and intemperate.
Q. This daughter, Myrtle, is she living yet? A. Yes sir?
Q. Has she any children? A. Yes sir.
Q. Do you know the name of the oldest child? A. No sir, I do not, for I haven't been close to them.
Q. Do you know about how old it is? A. No sir.

MR. HASTINGS:

Q. When was Myrtle married? A. I don't know the exact date.
Q. About when? A. It must have been in '94 or '95 I reckon-- somewhere along there.
Q. Do you mean 1904 or 1894? A. 1894.
Q. Has she been married 11 years? A. I think so.
Q. Where is she living? A. I do not know her home. I haven't heard from her till right recently.
Q. Where do you live? A. In the Northern District of the Cherokee Nation, near Hudson.
Q. Do you know where this niece of yours lives? A. No sir.
Q. Looney Riley told you that John Lacy was a reservater? A. Yes sir.
Q. Did he mean that he had taken an allotment somewhere else? A I don't know.
Q. What did he say? A. He said he was going to have his name scratched off because he was a reservator.
Q. Then he went down to the Council and had them take his name off? A. I don't know.
Q. After he went down there and protested, then the Council refused to enroll him? A. I don't know.
Q. That is the reason he wasn't enrolled? A. That is what Riley told me.
Q. Do you know whether he was a reservator or not? A. No sir.
Q. Did you ever hear any body say so only Looney Riley? A. I

have heard other people say that they had heard it.
Q. It is the usual belief that he was? A. I heard some of the rest of the Hilet relation say that he was a reservator.
Q. Did you ever hear it denied? A. No, I don't know as I did.
Q. It has always been practically admitted that he was a reservator? I don't know.
Q. You never saw this man earlier than '79? A. No sir.
Q. Where did your sister die? A. At Coody's Bluff.
Q. He lived with her until her death? A. Yes sir.
Q. And then he went to Missouri, did he? A. I don't know where he went.

MR. NORWOOD:

Q. Where did you understand that Riley went to do this? A. A. Down to the Census Takers, down about Martin Thompson's.
Q. The Census Takers Stopped with Thompson? A. Yes sir.
Q. Did you know John at any subsequent period-- since he married this woman? A. Yes sir.
Q. Do you know where he has lived? A. Yes sir.
Q. Where? A. At Chelsea and Claremore.
Q. What years? A. I knew him at Claremore it must have been about '94 or '95.
Q. Was he then drawing the Cherokee payments? A. Yes sir.
Q. Did he live there? A. He lived at Chelsea.
Q. About aged man was John when he married your sister? A. I took him to be a man of about 25 years. I am not certain about his age.
Q. Did John receive the old settler's money? A. He told me that he did.

COMMISSION:

Q. What do you mean by the word reservator? A. What I understood, and what Riley told me was that he had taken a reservation of land somewhere else.
Q. Did your sister, Ellen, the mother of Myrtle, claim any rights as a citizen by blood? A. No sir.
Q. She was a non citizen? A. Yes sir.
Q. Was Riley a citizen of the Cherokee Nation? A. Yes sir.
Q. A recognised citizen? A. Yes sir.

(MR. HASTINGS)---It is agreed by and between the parties hereto that the word "reservator", as used in this case, refers to those Cherokee citizens who reserved for themselves and took an allotment out of the strip of land in Kansas, sold by the Cherokee Nation, commonly known as Neutral Land.)

(The contention of the Cherokee Nation is that the reservator, by taking a reservation of this land, became a citizen of the state of Kansas and forfeited his right to be enrolled as a citizen of the Cherokee Nation without being readmitted by the Council of the Cherokee Nation.)

WITNESS EXCUSED.

J. D. Cox, being duly sworn, testified as follows:

MR. NORWOOD:

Q. State your name, age, and post office address? A. J. D. Cox, 43 years old, Tahlequah, I.T.
Q. Were you acquainted with John D. Lacy? A. Yes sir.

Q. Where? A. At Chelsea.
Q. When? A. In 1893, in April, and knew him all the time until about two months before his death.
Q. Where did he reside during the time that you knew him? A. At different places. At first at Chelsea and in that vicinity until he left there in 1896.
Q. Where was he in 1896? A. He was in Chelsea-- about a mile from there-- on some improvements that he had made, until in the fall when he took his wife and children and went away. I don't know where he went to. Soon after they left his wife came back to Chelsea. He owed me some money and I attached some property they left-- a cow and calf and some hogs, and Mrs. Lacy sold me the hogs, and I believe she sold me the cow and calf and paid the debt off. Their household goods, or a portion of them, were in the house at the time. Sometime afterwards John came back and was unable to work for some time after he came back. He had happened to some kind of an accident while he was gone. The next I knew of him he was at Claremore and the next time I know of him he was at Locust Grove, and I didn't see him often until the summer of 1903 I met him at Tahlequah. He died soon after that. He was over there in the fall. He drew the Cherokee Strip money in 1894. The reason I know that, he owed me money and paid it at that time.
Q. Did you see his wife in Chelsea while he was absent in Missouri A. I did, she paid me the balance of the debt.
Q. Were the census takers there during that year? A. They were there that year but I wouldn't say positively that they were there at that time.
Q. Who were they? A. John McIntosh and I am not sure, but I think Judge Clingon was the other.

MR. HASTINGS:

Q. You are not a citizen of the Cherokee Nation? A. No sir.
Q. You were not a census taker? A. No sir.
Q. You do not know whether John D. Lacy took an allotment in Kansas or not? A. No sir.

COMMISSION:

Q. When did you first know John D. Lacy? A. In April, 1893.
Q. You never knew him before then? A. No sir.

WITNESS EXCUSED.

Mrs. Lacy recalled.

MR. COX:

Q. Do you know whether John D. Lacy drew the old settler's money or not? A. Yes sir, he drew it at Claremore.

(MR. HASTINGS--- Comes now the Cherokee Nation and moves to strike out the above for the reason for the reason that it is irrelevant and immaterial for the reason that people who live in Texas and California and various parts of the United States who were heirs of the people on the old settlerell drew that money, and, it is therefore not a question of blood but a question of heredity. If John D. Lacy took a reservation in the state of Kansas he forfeited his right to be enrolled as a citizen of the Cherokee Nation.)

(Mr. Norwood-- The applicants insist that it devolves upon the Cherokee Nation to prove affirmatively that the applicant, John D. Lacy,

had taken his reservation, and that no inference or general understanding is sufficient, but it must be charged by the Nation and proved that he was a reservator.)

MR. HASTINGS--- The Cherokee Nation, in answer to the above, states that, through its representative, it has written letters to the Department at Washington seeking this information, but as yet no reply has been received, and it, therefore, now moves the Commission, of its own motion, seek this information and file it as a part of the record in this case.)

COMMISSION--- The request of the Cherokee Nation will be taken under advisement, and if the Commission shall hold that the Cherokee Nation must do it--- must procure that copy --- they will be notified of it.)

A. H. Norwood, being duly sworn, states as follows:

My name is A. H. Norwood, I am 54 years of age, and live at Dewey. I knew John F. Lacy first about 1879, and have known him up until the time of his death. I knew him well while he lived with his first wife, who was Mrs. Riley. He lived there with her near Coody's Bluff until she died, in '79. He was residing in the Cherokee Nation when the roll of 1880 was made. I know his brothers and sisters. His brother, Miles, was on the roll of 1880.

WITNESS EXCUSED.

(Fifteen days, after the receipt of a copy of the evidence, will be allowed in which to file a brief in this case.)

Eula Frances Franson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above and foregoing on the 6th. day of April, 1905, and that this is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Frances Franson.

Subscribed and sworn to before me this the 11th. day of April, 1905.

Myron Shutler
Notary Public.

Affidavit of Frank Edwards in the matter of the Claim of

John D. Lacey.

State of Missouri, } ss.
Christian County. }

Frank Edwards, of lawful age having first been duly sworn according to law deposes as follows: I am, and have been for a period of nearly Forty years a resident of Christian County Missouri, and have for the past eight years been the Recorder of deeds of said Christian county. That the marriage records of said county show that on the 7th day of January 1885, a marriage license was issued by John C. Rogers who was then the Circuit Clerk and Ex Officio Recorder of deeds of said county to J.A.Lacy and L.F.Prunty, and that on the 8th. day of January 1885, said Lacy and Prunty were united in marriage by James M. Holderby, a minister of the Gospel. I was well acquainted with the said parties and know of my own personal knowledge that the names should appear as John D. Lacey and Lucy F. Prunty. I was well acquainted with Daniel Prunty, the father of said Lucy F. Prunty and knew her before she married said Lacey,. I was well acquainted with John D. Lacey for a number of years while he lived at the village of Nixa, Christian county Missouri, it being the same neighborhood in which I was raised, and know that he is the same man that married Lucy F.Prunty. And further that the marriage records of Christian county do not show the marriage of any other Lacey to Prunty, and know of my own personal knowledge that said License were issued and intended for John D. Lacey and Lucy F. Prunty and that it should appear so on the records instead of J. A. Lacy and L.F.Prunty, as they are one and the same parties. Further Deponent sayeth not.

Frank Edwards,
Recorder of Deeds in and for Christian Co.Mo.

Subscribed and sworn to before me this the 2nd. day of March A.D.1903. My Commission as a Notary Public will expire on the 20 day of August 1906. Witness my hand and official seal at Ozark, Mo., this 2nd day of Mar. 1903.

John C. Rogers,
Notary Public.

Seal.

32 CD 340

IN RE
THE DEATH OF

John D. Lacey
a citizen of the

Cherokee *Nation.*

Approved April 4, *1905*

T. B. Needles
Commissioner.

Appln. for enrollment 9/18/02
Listed " " 9/18/02.

Filed April 5, 1905.
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of John D. Lacey (Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near Grove (Here insert name of postoffice.), Ind. Ter., and died on the 15 th day of October, 1903.

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Lucy Lacey, on oath state that I am 38 years of age and a citizen, by Intermarriage, of the Cherokee Nation; that my postoffice address is Grove (Here insert name of postoffice.), Ind. Ter.; that I am the wife (State relationship: as the father; an uncle, a cousin, etc.) of John D. Lacey (Here insert name of deceased.) who was a citizen, by blood, of the Cherokee Nation and that said John D. Lacey (Here insert name of deceased.) died on the 15th day of October, 1903.

WITNESSES TO MARK: Lucy Lacy

(Must Be Two Witnesses)

Subscribed and sworn to before me this 20th day of March 1905.

Seal. T. S. Remsen Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, R. L. Caldwell, M. D., on oath state that I am 37 years of age, and a citizen by residence of the Cherokee Nation; that my postoffice address is Grove (Here insert name of postoffice.), Ind. Ter.; that I was personally acquainted with John D. Lacey (Here insert name of deceased.) who was a citizen, by blood, of the Cherokee Nation; and that said John D. Lacey (Here insert name of deceased.) died on the 15th day of October, 1903.

WITNESSES TO MARK: R. L. Caldwell attending physician on deceased.

(Must Be Two Witnesses)

Subscribed and sworn to before me this 21st day of March 1905.

Seal. T. S. Remsen. Notary Public.

20 C. D. 340

IN RE

Application for Enrollment of

INFANT CHILD

as a citizen of the

_____ *Nation.*

Approved _____ *190*_

_____ *Commissioner.*

FILED Apr. 6, 1905

COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Ella Colvin (Give name of child), born on the 5th day of April, 1901

Name of Father: John Colvin, non citizen of the ____ Nation.

Name of Mother Myrtle Colvin, a citizen of the Cherokee Nation.

Post-Office: Zena, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ____ District.

I, ____, on oath state that I am ____ years of age and a citizen, by ____, of the ____ Nation; that I am the lawful wife of ____, who is a citizen, by ____, of the ____ Nation, that a ____ (Male or female) child was born to me on the ____ day of ____ 190 ; that said child has been named ____, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this ____ day of ____ 190 .

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Lucy Lacey, a midwife, on oath state that I attended on Mrs. Myrtle Colvin, wife of John Colvin, on the 5th day of April, 1901; that there was born to her on said date a female (Male or female) child; that said child is now living and is said to have been named Ella Colvin.

Lucy LaceyX her mark

WITNESSES TO MARK

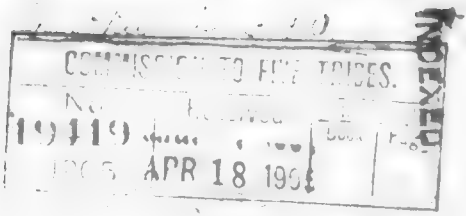
(Must be Two Witnesses) J. D. Cox

Dixon H. Bynum

Subscribed and sworn to before me this 6th day of April 1905.

Seal. Myron White

Notary Public.



Cox, J.D.,
Tahlequah, I.T.,
Cherokee Nation,
April 14,1905.

Acknowledges receipt of
testimony in D. 340, John D.
Lacey, applicant for Cherokee
citizenship.

CHEROKEE ENROLLMENT.

Tahlequah Indian Territory, 4/4 1905

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in L 346 Mrs. A. Lucy Applicant

for Citizenship in the Cherokee Nation

Attorney for Applicant.

Cherokee D 340.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John D. Lacey et al, as citizens by blood of the Cherokee Nation.

O R D E R

An examination of the 1890 census roll of citizens of Delaware district, Cherokee Nation, shows that the names John D. Lacy, Lucy F. Lacy, Myrtle Lacy, William Lacy and Shelly Lacy appear thereon at Nos. 2152, 2153, 2154, 2155 and 2156 respectively.

It is ordered that this statement be filed with and made a part of the record in the matter of the application for the enrollment of John D. Lacey et al, as citizens by blood of the Cherokee Nation.

W O Beall
Acting Commissioner.

Dated at Muskogee, Indian Territory
this APR 24 1906

Cherokee D 340

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John D. Lacey, et al., as citizens by blood of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Vinita, Indian Territory, on September 18, 1900, John D. Lacey appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and children, Myrtle L., William D., Shelley W., Miles L., Ezekiel W., Jesse Franklin and Martha R. Lacey, as citizens by blood of the Cherokee Nation. Said application also included Lucy F. Lacey, wife of the said John D. Lacey, but the application for her enrollment is differently classified and her rights to enrollment will not be considered in this decision.

The records further show that at Vinita, Indian Territory, on September 19, 1900, Myrtle L. Calvin appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and minor daughter, Ella Calvin, as citizens by blood of the Cherokee Nation, at which time it was shown that the said Myrtle L. Calvin and Myrtle L. Lacey for whom John D. Lacey made application for enrollment on September 18, 1900, are one and the same person; that prior to September 1, 1902, she was married to John W. Calvin, a non citizen of the Cherokee Nation, and she was then listed for enrollment as Myrtle L. Calvin. Further proceedings in the matter of said applications were had at Tahlequah, Indian Territory, November 25, 1901, and at Muskogee, Indian Territory, January 8, February 25, August 12, and October 21, 1902, and on March 20, and April 6, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That William Lacey, father of the principal applicant herein, John D. Lacey, was a Cherokee by blood and removed to the Cherokee Nation about the year 1850; that the said John D. Lacey was born in the Cherokee Nation and excepting occasional absences for temporary purposes, resided continuously in said Nation from the time of his birth until the time of his death in October 1903. The said John D. Lacey is

duly identified on the Cherokee census roll of 1890 and the Cherokee strip payment roll of 1894. The evidence further shows that the other applicants herein, Myrtle L. Calvin, William D., Shelley M., Miles L., Ezekiel M., Jesse Franklin and Martha E. Lacey, are children and Ella Calvin a grandchild of the said John D. Lacey; that they were born in the Cherokee Nation and have continuously resided therein since birth. The said Myrtle L. Calvin, William D. and Shelley M. Lacey are identified on the Cherokee census roll of 1890 and the Cherokee strip payment roll of 1894. The said Miles L. Lacey is also identified on the Cherokee strip payment roll of 1894. The applicants, Ezekiel M., Jesse Franklin and Martha E. Lacey and Ella Calvin are not identified on any roll of the Cherokee Nation, but they are duly identified as descendants of John D. Lacey by birth affidavits which are filed herewith and made a part of the record herein.

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495) John D. Lacey, Myrtle L. Calvin, William D. Lacey, Shelley M. Lacey, Miles L. Lacey, Ezekiel M. Lacey, Jesse Franklin Lacey, Martha E. Lacey and Ella Calvin are entitled to enrollment as citizens by blood of the Cherokee Nation and their applications for enrollment as such are accordingly granted.

SIGNED) Tams Bixby.
Commissioner.

Dated at Muskogee, Indian Territory.
this OCT 1[illegible] 1906

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
OCT 26 1906

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John D. Lacy, et al., as citizens by blood of the Cherokee Nation.

Motion to Reconsider.

Comes now the Cherokee Nation and moves the Commissioner to the Five Civilized Tribes to reconsider the decision rendered on October 19, 1906, adjudging that the applicants in said case are entitled to be enrolled as citizens by blood of the Cherokee Nation, for the following reasons, to-wit:

First. The record in this case shows that the father of John D. Lacy was William Lacy and the record further shows that they were reservators upon the neutral land in the State of Kansas.

Second. The records in the possession of the Commission in the book entitled, "List of Registered Delawares" contains the following letter from the commissioner of Indian Affairs shows that patents were issued to the following reservators as heads of families for 320 acres of land each upon neutral lands in the State of Kansas, and that among them is the name of William Lacy, and that the said William Lacy is the father of the principal applicant John D. Lacy:

"Refer in reply
to this initial. Department of the Interior, W.R.I
General Land Office I.V.B.S.
Washington, D. C. May 14th 1879.

W. A. Phillips, Esq.
1008 H. St. N. W.
Washington, D. C.

Sir:

I am in receipt of your letter of 10th inst, requesting to be furnished with a list of the Cherokee Indians in whose favor patents issued for 320 acres of land under the provisions of the 19th Article of the treaty with the Cherokee Nation of Indians, concluded July 19th, 1866.

In reply thereto will say that it appears upon an examination of the records of this office on the 18th May 1870, patents issued to the following named parties, in conformity with the 19th article of the treaty aforesaid, viz:

Lucinda A. Archer
Samantha S. Barnett
Edward Crutchfield
William H. West
John Welch
Susan Harris
David L. Harlan
Albert W. Harlan
Joseph Ann Hall
Mary Ann Gump
William Lacy
William Lankford

Meneecy Martin
Jane Phillips
Arnold P. Shamblin
David M. Harlan
David M. Harlan, Guardian
of heirs of Catherine James Rawls
David M. Harlan, Guardian of heirs of
M. R. Seymour
David M. Harlan,
Guardian of heirs of
CharlesMogun.

Respectfully

(Signed) J. A. Williamson,
Commissioner."

Third. The patents were issued to reservators upon said neutral land in accordance with the 19th Article of the Treaty of July 19, 1866, which is as follows:

> Section 19. All Cherokees being heads of families residing at the date of ratification of this treaty on any of the lands herein ceded, or authorized to be sold, and desiring to remove to the reserved country, shall be pai d by the purchasers of said lands the value of said improvements, to be ascertained and appraised by the Commissioners who appraise the lands, subject to the approval of the Secretary of the Interior; and if he shall elect to remain on the land now occupied by him, shall be entitled to receive a patent from the United States in fee-simple for three hundred and twenty acres of land to include his improvements, and thereupon he and his family shall cease to be members of the nation.
>
> And the Secretary of the Interior shall also be authorized to pay the reasonable costs and expenses of the delegates of the Southern Cherokees.
>
> The moneys to be paid under this article shall be paid out of the proceeds of the sales of the national lands in Kansas."

And it will be noted that the patents were issued to the head of the family for 320 acres and said Article provides:

> "....and thereupon he and his family shall cease to be members of the nation."

Fourth. The Assistant Attorney General Hon. Frank L. Campbell, on September 26, 1906 (I.T.D. 7832-1905), held in the matter of the application of Laura Foreman and children of herself and deceased husband, James B. Foreman, as follows:

> "There appears to be no question about the accuracy of the finding of facts. By operation of Section 2 of Article 1 of the Cherokee Constitution citizenship of Foreman was lost by his long separation from the nation and some action by the National Council or some court, board or commission to which jurisdiction had been conferred by the National Council or by Congress, was necessary to restore the bond of allegiance and rights of citizenship. No such

restoration having been made, I am of opinion that the action of the Commission should be approved."

The Commission rejected Foreman, although Foreman's name was identified on the 1894 Pay Roll and the 1896 Census Roll, because he has lost his citizenship by operation of Section 2, Article 1 of the Cherokee Constitution. Now our contention is that John D. Lacy lost his citizenship by operation of Article 19 of the Treaty of 1866, and under Article 3, Section 20 of the Cherokee Constitution Treaties are the supreme law of the land. We submit that the letter attached to the record in this case showing that William Lacy did not take reservation upon the neutral lands of date April 10, 1906, is an oversight by the Commissioner of Indian Affairs in copying the record, as shown by the letter hereinabove copied, addressed to William A. Phillips and made a part of this motion.

For the reasons hereinabove stated we insist that the testimony in this case is sufficient to show that John D. Lacy, the principal applicant, was the son of William Lacy; that William Lacy was a reservator in the State of Kansas, and that he received a patent to 320 acres of land from the neutral lands, and that by virtue of the 19th Article of the Treaty of 1866 he lost his citizenship, together with that of his family, and under the ruling of the Assistant Attorney General in the James B. Foreman case, the Lacys not having been readmitted to citizenship in the Cherokee Nation, that they are not now entitled to be enrolled as citizens of the Cherokee Nation, and we therefore move the Commissioner to the Five Civilized Tribes to reconsider the decision of October 19, 1906, admitting the members of this family to citizenship in the Cherokee Nation, and that said decision be reviewed and that they be denied.

Respectfully submitted,

Signed W. W. Hastings

Attorney for the Cherokee Nation.

Ind. 343

John D. Tarpley

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.
RECEIVED
DEC 4 1906

Copy

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John F. Lacy, et al., as citizens by blood of the Cherokee Nation, C. R. 540.

Protest of Cherokee Nation.

Comes now the representative of the Cherokee Nation and respectfully dissents from the ruling of the Commissioner to the Five Civilized Tribes of date November 20, 1906, overruling the motion for a reconsideration of the decision of the Commissioner to the Five Civilized Tribes rendered October 1st, 1906, granting the application for the enrollment of John F. Lacy, et al., as citizens by blood of the Cherokee Nation, and asks that the same be forwarded to the Secretary of the Interior for review, for the reasons stated in our motion to reconsider October 26, 1906.

Inasmuch as we have stated our position very fully in this motion to reconsider we do not deem it necessary to restate it in detail, but in the communication of the Commissioner to the Five Civilized Tribes overruling the motion to reconsider, dated November 20, 1906, it is stated that the commissioner to the Five Civilized Tribes addressed a communication to the Commissioner of Indian Affairs asking to be advised whether or not the principal applicant, John F. Lacy, or William Lacy, had taken a reservation in the State of Kansas in what is known as the neutral lands, and it is further stated that on April 10, 1905, a reply was received from the Hon. Commissioner of Indian Affairs as follows:

"The records of this office have been examined with reference to your inquiry and it has been ascertained that these persons did not receive reservations in the neutral lands in Kansas."

Evidently there is some mistake because the letter copied in our motion to reconsider, dated May 14, 1879, addressed to W. A. Phillips, Esq., who was then the Attorney for the Cherokee Nation, and signed by J. A. Williamson, Commissioner, appears to be authentic and this letter contains the name of William Lacy. Now if the name of William Lacy be

contained in that list, and he is the father of John D. Lacy, as contended by the Cherokee Nation, then we contend that under the 19th Article of the Treaty of July 19, 1866, these applicants are not entitled to be enrolled as citizens by blood of the Cherokee Nation, because they forfeited their citizenship in the Cherokee Nation and are certainly not entitled unless they were readmitted to citizenship by some court or commission having jurisdiction. We therefore ask that all the records connected with this case be transmitted to the Secretary of the Interior for review.

Respectfully submitted,

W. W. Hastings,

Attorney for the Cherokee Nation.

Muskogee, Indian Territory, December 14th, 1901.

Mr. John D. Lacey,

Grove, Indian Territory.

Dear Sir:

When application was made for the enrollment of your wife the Commission was advised that her name was Lucy Lacey.

We are now in receipt of birth affidavits in the matter of the applications of your two children, Jesse Franklin Lacey and Martha Ellen Lacey, in which the name of your wife appears as Lucy Frances Lacey.

You are desired to advise the Commission promptly under what name she desires to be listed for enrollment. The affidavit as to the birth of Martha Ellen Lacey is returned to you herewith, as the notary failed to affix his official seal to the jurat following the affidavit made by the child's mother. When the omission has been supplied return the affidavit to the Commission at Muskogee, where it will receive further consideration.

Yours truly,

Commissioner in Charge.

Enclosure D. 340.

D340

COMMISS[illegible]

FILED
FEB 8 1902

[illegible]
ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKUNIER.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 10th 1902

Mr. John D. Leney,

Zena, Indian Territory,

Sir:-

You are hereby notified that the application of yourself, your wife and eight minor children

for enrollment as citizens of the Cherokee Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the

25th day of February, 1902.

On said date, you may, if you desire, appear before the Commission, in person or by attorney, when an opportunity will be given you to introduce any additional testimony affecting your application.

You are further notified that the Representatives of the Cherokee Nation will also, at the same time, be afforded an opportunity to introduce testimony tending to disprove your right to enrollment, but said Representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

Yours truly,

Acting Chairman.

Copies to A.H.Harwood,
Dewey, I.T.
J.R.Sequichie,
Chelsea, I.T.

Cherokee 2-240
Register.

In reply refer to
S S 240

Muskogee, I. T., June 26, 1902.

Mr. John D. Lacey,

Greve, Indian Territory.

Sir:

You are requested to furnish the Commission at your earliest convenience a copy of your original marriage certificate. If you can not produce the original you will be permitted to introduce a certified copy thereof.

You are also informed that your status as a citizen by blood of the Cherokee Nation has not been satisfactorily proven, and you are instructed to appear before the Commission at its office in Muskogee, Indian Territory, within 15 days from date hereof and introduce by competent witnesses testimony which will prove your right to enrollment as a citizen by blood of the Cherokee Nation. You are informed that the record in your case does not sufficiently identify you as a Cherokee citizen by blood. You are further reminded that upon your failure to avail yourself of this opportunity to prove your right to enrollment your case will be taken up for consideration upon the record as it now stands.

Yours truly,

Registar

Commissioner in Charge.

Cherokee D-548

COPY. PY.

Muskogee, Indian Territory, July 10, 1903.

John D. Lacey,

Grove, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter bearing no date, in reply to the Commission's letter of the 28th ultimo, directing you to furnish the Commission with your original marriage license and certificate, or a certified copy thereof; also to submit testimony as to your status as a citizen by blood of the Cherokee Nation.

You state that it is impossible for you to appear before the Commission on the date mentioned in its letter and request that your case be continued.

In reply, you are advised that you will be allowed 90 days from date hereof in which to furnish the Commission with the evidence desired.

Yours truly,

T. B. Needles.

Commissioner in Charge.

Register.

Cherokee D-340.

Vinita, Indian Territory, January 26, 1903.

John D. Lacey,

Zena, Indian Territory.

Dear Sir:-

You are hereby notified that before your application for the enrollment of yourself, your wife and children as citizens of the Cherokee Nation will be complete, it will be necessary that you supply the Commission with further evidence as to your marriage to your present wife, Lucy.

The certified copy of marriage record heretofore filed by you, fails to show either the name of yourself or your wife. You should have the Recorder for Christian County, Missouri, forward to the Commission a certificate as to your marriage wherein your own name and the name of your wife will appear, if such a certificate can be obtained.

You are further notified that no properly executed affidavit as to the birth of your grand-child Ella Galvin, has yet been furnished the Commission, and until such an affidavit is furnished, the application for the enrollment of this child will not be complete.

Respectfully,

Acting Chairman.

EP

Cherokee D-340

Tahlequah, Indian Territory, November 23, 1903.

G. H. Harlow,

Hudson, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of November 14, asking what disposition has been made of the application of John D. Lacey for the enrollment of himself and family as citizens of the Cherokee Nation. You state that said John D. Lacey has recently died and that his widow has requested you to look after the interests of herself and children.

In reply, you are advised that John D. Lacey, his wife, and children are listed upon a doubtful card and no final decision has yet been rendered as to their rights to enrollment. Before a decision can be rendered, further evidence should be supplied, from which the applicants can be identified upon some roll other than the 1894 pay roll; also evidence as to the Cherokee citizenship of John D. Lacey and of his mother, Martha Lacey; also further proof of the marriage of John D. Lacey and his wife, Lucy, as the certificate heretofore filed with the Commission does not show the names of the parties married.

Evidence should also be introduced as to whether his first wife was living when he married his wife, Lucy, and an affidavit should be supplied as to the birth of Ella Calvin. There is

G. H. Harlow, -2.

enclosed herewith a blank form of affidavit for this latter purpose.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MFM

Enc. 1 B.A.

Cherokee D-340

Tahlequah, Indian Territory, February 25, 1904.

J. D. Cox,

Wagoner, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 22, asking to be advised as to the status of the citizenship in the Cherokee Nation of J. D. Lacey and Charley Lavin.

In reply, you are advised that the records of the Commission show that one John D. Lacey, of Grove, Indian Territory, made application for the enrollment of himself and minor children as citizens by blood, and for the enrollment of his wife, Lucy, as a citizen by intermarriage of the Cherokee Nation, and that their names were placed upon a doubtful card.

Before the application for their enrollment will be complete, it will be necessary that further evidence be furnished the Commission as to the marriage of John D. Lacey and his present wife, Lucy; also evidence from which the applicants can be identified upon some roll other than the 1894 pay roll; also evidence as to the Cherokee citizenship of John D. Lacey and of his mother, Martha Lacey. Evidence should also be introduced as to whether his first wife was living at the time of his marriage to his present wife,

Calvin. A blank form of [illegible]

you are requested to have same properly executed, showing the birth of Ella Calvin, and return to this office.

The records of the Commission show that in the Commission's decision of February 2, 1903, the application of Charles Levin for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation was granted.

Respectfully,

MYM

Enc. 1 E.A.

March 20, 1905.

John D. Lacy, et al.,

Cherokee D 340.

COPY.

Cherokee D-340.

Muskogee, Indian Territory, March 13, 1906.

John D. Lacey,

Grove, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself, et al. as citizens by blood of the Cherokee Nation, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 20, 1906; at which time you will be permitted to appear and introduce such testimony as you may desire in support of your said application.

You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Register.

March 20, 1905,

John D. Lacy, et al.,

Cherokee D 349.

COPY.

Cherokee D-340.

Muskogee, Indian Territory, March 13, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of John D. Lacey, et al. as citizens by blood of the Cherokee Nation, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 20, 1905.

The said John D. Lacey has, therefore, this day been directed to appear on that date and introduce such testimony as he may desire in support of said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Tams Bixby.

Chairman.

C. D. 340

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory,

April 14, 1905.

SUBJECT:

Asking to be informed whether John D. Lacey is a "reservator".

Number of inclosures

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 14, 1906.

Commissioner of Indian Affairs,

Washington, D.C.

Sir:

On September 18, 1900, one, John D. Lacey, aged 41, made application to this Commission for the enrollment of himself, his wife, and eight children as citizens of the Cherokee Nation. The Cherokee Nation, in the matter of this application, contends that the said John D. Lacey was a "reservator" -- that is -- a Cherokee citizen who reserved for himself and took an allotment out of the strip of land in Kansas, sold by the Cherokee Nation, commonly known as "neutral land," and comes under that class of citizens referred to in Article nineteen of the Treaty of 1866. John D. Lacey is the son of William and Martha Lacey, both now deceased.

The Commission wishes to be informed if the records in the possession of the Department show whether an allotment of land was reserved to William Lacey, Martha Lacey, or the said John D. Lacey in the above described territory.

Respectfully,

Commissioner in Charge.

COPY

Cherokee D-340.

Muskogee, Indian Territory, June 5, 1905.

Mrs. M. L. Calvin,

Locust Grove, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of May 29, 1905, relative to the enrollment of yourself, et al, as citizens of the Cherokee Nation.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

COPY

Cherokee D-340.

Muskogee, Indian Territory, August 8, 1905.

Commissioner of Indian Affairs,

Washington, D. C.

Sir:

On April 14, 1905, the Commission to the Five Civilized Tribes addressed a letter to you asking for information relative to the records in your possession showing whether an allotment of land was reserved to William Lacy, Martha Lacy, or John D. Lacy, in the strip of land in Kansas sold by the Cherokee Nation, commonly known as "neutral land," and referred to in Article 19 of the Treaty of 1866, to which letter no reply has been received at this office.

John D. Lacy is an applicant before this office for enrollment as a citizen of the Cherokee Nation. The Cherokee Nation contends that John D. Lacy was a "reservator." The name "William Lacy" appears upon a "list (in the possession of this office) of the Cherokee Indians in whose favor patents were issued for 320 acres of land under the provisions of the nineteenth article of the Treaty with the Cherokee Indians of July 19, 1866." It is claimed that the William Lacy mentioned in that list is the father of the applicant, John D. Lacy, and that Martha Lacy is his mother.

You are respectfully requested to furnish this office with

such data as you may have which may enable this office to determine whether or not the said William Lacy, upon the list above referred to is the father of the applicant, John D. Lacy.

Respectfully,

SIGNED Wm. O. Beall
Acting Commissioner.

CHL

Cherokee D-340.

COPY.

Muskogee, Indian Territory, November 7, 1905.

G. H. Harlow,

Hudson, Indian Territory.

Dear Sir:

This office is in receipt of your letter of October 30, asking to be advised the citizenship status in the Cherokee Nation of the family of John D. Lacy.

In reply you are advised that on September 18, 1900, John D. Lacey, of Grove, Indian Territory, made application for the enrollment of himself and children as citizens by blood, and for the enrollment of his wife, Lucy F. Lacey, as a citizen by intermarriage, of the Cherokee Nation, and that their names were placed on a doubtful card. As yet no decision has been rendered in their case. Information has been requested of the Commissioner of Indian Affairs as to whether or not John D. Lacey and his father received allotments of land in Kansas, and until such information is received, no decision will be rendered in this case.

Respectfully,

(SIGNED)

Tams Bixby.

Commissioner.

LS

Cherokee D 240.

COPY.

Muskogee, Indian Territory, December 20, 1905.

Mrs. M. L. Colvin,

Locust Grove, Indian Territory.

Dear Madam:

In reply to your letter dated "December, 1905", you are advised that as yet no decision has been rendered in the matter of the application for the enrollment of yourself and child as citizens of the Cherokee Nation. You will be promptly advised of the decision of this office when rendered, and furnished a copy thereof.

Respectfully,

Tams Bixby.
Commissioner.

Ls

Muskogee, Indian Territory, March 29, 1906

Commissioner of Indian Affairs,

Washington, D.C.

Dear Sir:

On April 14, 1905, the Commission to the Five Civilized Tribes addressed a letter to you asking for information relative to the records in your possession showing whether an allotment of land was reserved to William Lacy, Martha Lacy, or John D. Lacy, in the strip of land in Kansas sold by the Cherokee Nation, commonly known as "neutral land", and referred to in Article 15 of the Treaty of 1866. On August 8, 1905, this office addressed a letter to you asking for same information. No reply to either of these letters has been received at this office.

John D. Lacy is an applicant before this office for enrollment as a citizen of the Cherokee Nation. The Cherokee Nation contends that John D. Lacy was a "reservater"

The name of "William Lacy " appears upon a list (in the possession of this office) of the Cherokee Indians in whose favor patents were issued for three hundred and twenty acres of land, under the provisions of the 19th Article of the treaty with the Cherokee Indians of July

19, 1866. It is claimed that the William Lacy mentioned in that list is the father of the applicant, John D. Lacy and that Martha Lacy is his mother.

You are respectfully requested to furnish such data as you may have which will enable this office to determine whether or not said William Lacy, upon the list above referred to, is the father of the said John D. Lacy.

Respectfully,

Acting Commissioner.

D.C.
13176.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, GAW
WASHINGTON.

Land.
25403-1905.

April 10, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee,
Indian Territory.

Sir:

The Office is in receipt of your letter of March 29, 1906, asking whether an allotment of land was reserved to William Lacey, Martha Lacey or John D. Lacey, in the strip of land in Kansas held by the Cherokee Nation commonly known as "neutral land," and referred to in article 19 of the treaty of 1866. The records of the Office have been examined with reference to your inquiry and it has been ascertained that these persons did not receive reservations in the "neutral lands" in Kansas.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

HEH-Y.

Cherokee
D. 340.

COPY.

Muskogee, Indian Territory, October 19, 1906.

W. W. Hastings,

Attorney for the Cherokee nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 19, 1906, granting the application for the enrollment of John D. Lacey, et al., as citizens by blood of the Cherokee Nation.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you wish to make against the Commissioner's action in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGNED) Tams Bixby.
Commissioner.

Inal.C-89
LMC

CHB

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D. 340

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 19, 1906.

John D. Lacey,

Locust Grove, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 19, 1906, granting your application for the enrollment of yourself, children and grandchildren, as citizens by blood of the Cherokee Nation. Your attorney, J. D. Cox, Tahlequah, Indian Territory, has heretofore been furnished a copy of the record of proceedings had in this case, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

You are advised that the Cherokee Nation protests against the action of the Commissioner in granting the application for the enrollment of yourself, et al, as citizens by blood

of the Cherokee Nation, and said protest has also been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner.

Incl.C-17
LMC

Registered.

Cherokee
D. 340.

Muskogee, Indian Territory, December 10, 1906.

J. D. Cox,

Attorney for John D. Lacey,

Tahlequah, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 19, 1906, granting the application for the enrollment of John D. Lacey, et al., as citizens by blood of the Cherokee nation. You have heretofore been furnished a copy of the record of proceedings had in this case.

The Cherokee nation protests against the enrollment of these persons, and the protest has this day been transmitted to the Secretary of the Interior, together with the record of proceedings and decision in the case for his review and decision.

You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

Commissioner.

Incl.C-19
LMC

Muskogee, Indian Territory, December 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of John D. Lacey, et al., as citizens by blood of the Cherokee Nation, including the decision of the Commissioner, dated October 19, 1906, granting the application for the enrollment of John D. Lacey, Myrtle L. Calvin, William D., Shelley M.,Miles L., Ezekiel M., Jesse Franklin., Martha E. Lacey and Ella Calvin, as citizens by blood of the Cherokee Nation.

On October 26, 1906, the Cherokee Nation filed with the Commissioner a motion to reconsider said decision, and on November 30, 1906, the Commissioner in a letter to said attorney denied said motion and gave the attorney fifteen days from date to file such protest as he desired to make against the action of the Commissioner in this case.

On December 4, 1906, the attorney for the Cherokee Nation filed a protest against the decision of the Commissioner

Secretary-2

in this case.

The motion for reconsideration, a copy of the Commissioner's letter of November 30, 1906 and the protest of the Cherokee Nation are also enclosed herewith.

Respectfully,

Incl.C-12
LMC

Commissioner.

Through the Commissioner
of Indian affairs.

(COPY)

LAND
109636-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. February 27, 1907.

COPY

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of John D. Lacey, et al., as citizens of the Cherokee Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 19, 1906, granting the application for the enrollment of John D. Lacey, Myrtle L. Calvin, William D., Shelley M., Miles L/, Ezekiel M., Jesse Franklin, Martha E. Lacey, and Ella Calvin, as citizens by blood of the Cherokee Nation.

On October 26, 1906 the Cherokee Nation filed with Commissioner Bixby a motion to re-consider his decision of October 19, 1906, and on November 30, 1906 the motion was denied. On December 14,1906, the attorney for the Cherokee Nation filed a protest, transmitted herewith, against the decision of the Commissioner to the Five Civilized Tribes in this case.

The record shows that on September 18, 1900, John D. Lacey appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and children herein named as citizens of the Cherokee Nation. The record further shows that on September 19, 1900, Myrtle L. Calvin

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment ofherself and her minor daughter, Mila Calvin, as citizens of the Cherokee Nation, at which time it was shown that Myrtle L. Calvin, and Myrtle L. Lacey, for whom John D. Lacey made application for enrollment on September 18, 1900 are one and the same person; that prior to September 1, 1902 she was married to John W. Calvin, a non-citizen ofthe Cherokee Nation, and she was then listed for enrollment as Myrtle L. Calvin.

The evidence shows that William Lacey, father of the principal applicant herein (John D. Lacey) was a Cherokee by blood and removed to the Cherokee Nation about the year 1870; that John D. Lacey was born in the Cherokee Nation, and except for occasional absences for temporary purposes, had resided continuously in the Cherokee Nation from his birth to his death in October 1903. Commissioner Mixby reports that John D. Lacey is identified on the Cherokee census roll of 1890 and the Cherokee strip payment of 1894. The evidence further showsthat the other applicants herein- Myrtle L. Calvin, William D., Shelley M., Miles L., Ezekiel M., Jesse Franklin, and Martha E. Lacey are the children and Mila Calvin, a grandchild of John D. Lacey; that they were born in the Cherokee Nation and have continued to reside there since birth.

Commissioner Mixby reports that Myrtle L. Calvin, William D., and Shelley M., Lacey are identified on the Cherokee census

roll of 1890 and the Cherokee strip payment roll of 1894., and that Miles L. Lacey is also identified on the Cherokee strip payment roll of 1894; that Ezekiel W., Jesse Franklin, and Martha E. Lacey, and Ella Calvin, are not identified on any roll of the Cherokee Nation,but that they are identified as descendants of John D. Lacey by birth affidavits, which are a part of the record herein.

Therefore, by reason of the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stat.L.,495), the Office concurs in the decision of Commissioner Bixby enrolling the applicants herein as citizens of the Cherokee Nation.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

MMM-LC.

SPECIAL Copy

D.C.12427

J.T.Jr.

DEPARTMENT OF THE INTERIOR,
I.T.D.5976-1907. WASHINGTON. FHR.

LRS DIRECT March 1, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 10, 1906, you transmitted the recordin the matter of the application for the enrolment of John D. Lacey, Myrtle L. Calvin, William D., Shelley M., Miles L., Ezekiel M., Jesse Franklin, Martha E. Lacey and Ella Calvin, as citizens by blood of the Cherokee Nation, including your decisionof October 19, 1906, granting such application.

Reporting February 27, 1907 (Land 109668-06), the Indian Office concurs in said decision. A copy of its letter is inclosed.

Yourdecision ishereby affirmed. The papers in the case and a copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson

Assistant Secretary.

1 inc.and
3 for Ind. Of.
A F We

3-2-07

Cherokee
D 340.

COPY

Muskogee, Indian Territory, March 15, 1907.

John D. Lacey,

Locust Grove, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 19, 1906, granting the application for the enrollment of yourself and others as citizens by blood of the Cherokee Nation, was affirmed by the Department, March 1, 1907.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

LMC

Cherokee
D 340.

COPY

Muskogee, Indian Territory, March 18, 1907.

J. D. Cox,

Attorney for John D. Lacey, et al.,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 19, 1906, granting the application for the enrollment of John D. Lacey, et al., as citizens by blood of the Cherokee Nation, was affirmed by the Department, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl.C-10
LMC

Cherokee
D 340.

COPY

Muskogee, Indian Territory, March 15, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 19, 1906, granting the application for the enrollment of John D. Lacey, et al., as citizens by blood of the Cherokee Nation, was affirmed by the Department, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED

Commissioner.

Encl.C-11
LMC

Cherokee D
340

Muskogee, Indian Territory, March 14, 1907.

Lucy Lacey,

Locust Greve, Indian Territory.

Dear Madam:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

MKM

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-100
LMC

673

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D 340.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 15, 1907.

John D. Lacey,

Locust Grove, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 19, 1906, granting the application for the enrollment of yourself and others, as citizens by blood of the Cherokee Nation, was affirmed by the Department, March 1, 1907.

Respectfully,

Commissioner.

LMC

COPY.

Muskogee, Indian Territory, June 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to call the attention of the Department to certain Creek and Cherokee enrollment cases, as follows:

On January 21, 1907, this office submitted to the Department a report in the matter of the application of Serena Bullocks and her three minor children for enrollment as Creek freedmen. In said report, wherein the facts in the case are fully set out, it was recommended that the enrollment of Serena Bullocks, Bessie Harris, Minnie Vincent and Lou Willis Bullocks, as their names appear upon the final roll of Chickasaw freedmen opposite Nos. 1693, 1694, 1695 and 1700, respectively, be cancelled, and that they be enrolled as Creek freedmen, entitled to allotment in the Creek Nation.

With said report there was transmitted a decision containing two orders, one cancelling the names of said parties from the final roll of Chickasaw freedmen, and the other ordering them enrolled as Creek Freedmen, and it was stated in said report that,

"To obviate the possibility that the Department should approve the decision and that thereafter, either through lack of time or mistake, their names should not be placed upon a schedule of Creek freedmen to be approved by you prior to March 4, 1907, thus leaving the applicants without citizenship rights in either the Chickasaw or Creek Nation, I will also prepare and transmit under separate cover a schedule containing the names of said applicants, so that said schedule may, in the event that you affirm the decision herewith transmitted, be immediately approved."

On February 27, 1907 (I.T.D. 4732-1907), the Department approved the findings in this office and granted authority for the cancellation of the names ofSerena Bullocks and her three minor children from the roll of Chickasaw freedmen and also approved the action of this office in holding that they were entitled to enrollment as Creek freedmen.

It now appears, however, that the fear expressed in the report of this office of January 21, 1907, that through an oversight the names of these persons might not be placed upon a schedule of Creek freedmen, was realized, and no schedule containing their names was approved by the Department.

This oversight appears to have been occasioned by reason of the fact that when the decision and report were signed by me the complete record, including the carbon copies, was, through error, forwarded to the Department and the usual practice of this office in returning the carbon copies to the enrollment division not having been complied with, the fact that this report and decision had been signed by me was overlooked and a roll schedule was not prepared and transmitted to the Department.

2

It appears from the records of this office that the name of John Ross, Jr. appears upon Cherokee freedman card, field No. 2-204. He is the son of John Ross, a Cherokee freedman, and Rhodie Ward, who was an applicant for enrollment as a Cherokee freedman, and finally denied as such by the Secretary of the Interior on April 21, 1904.

On October 3, 1906, the Commissioner to the Five Civilized Tribes rendered a decision holding that the said John Ross, Jr. was entitled to enrollment as a Cherokee freedman, which decision was forwarded to the Department and was approved by it on February 27, 1907 (I.T.D. 2852,4750-1907). It does not appear, however, that the name of the said John Ross, Jr. was placed upon a roll schedule of Cherokee freedmen prior to March 3, 1907. At the time the Department rendered its decision favorable to this applicant, no roll schedules were being prepared in this office, but under the practice then in force, such a schedule, containing the name of this applicant should have been prepared by this office prior to February 20, 1907, and transmitted to the Department for its approval in the event the decision of the Commissioner of October 3, 1906, was affirmed.

The names of John D. Lacey and his children, Myrtle L. Galvin, William D. Lacey, Shelley M. Lacey, Miles L. Lacey, Ezekiel M. Lacey, Jesse Franklin Lacey and Martha E. Lacey, and his minor

grand-child, Nila Calvin, appear upon Cherokee roll card, field No. D-340.

It appears from the records of this office that on October 19, 1906, the Commissioner rendered his decision holding that the persons above named were entitled to enrollment as citizens by blood of the Cherokee Nation, which decision was transmitted to the Department on December 10, 1906, and was approved by the Department on March 1, 1907 (I.T.D. 8976-1907).

The names of these persons, however, were not placed upon a roll schedule of citizens by blood of the Cherokee Nation on or prior to March 4, 1907.

It further appears from the records of this office that Jordan Harper was an applicant for enrollment as a freedman citizen of the Cherokee Nation, his name being listed on Cherokee freedman roll card, field No. 1305 and that on September 8, 1903, the Commission to the Five Civilized Tribes in the case of Eliza Haines, et al., held that said Jordan Harper should be enrolled as a Cherokee freedman. This decision was transmitted to the Department, where, on April 4, 1904 (I.T.D. 836-1904), it was affirmed by the Acting Secretary of the Interior.

After the rendition of this decision by the Commission, there was filed with this office on July 27, 1904, the affidavits of Robert Harper and Lydia Carter to the effect that the said Jordan Harper died on the 24th day of December , 1901, and for the

reason that if this information was correct the name of the said Jordan Harper should not have been placed upon the final roll of Cherokee Freedmen no action was taken looking toward the scheduling of his name until the matter could be further investigated.

On July 25, 1906, there was filed with the Commissioner to the Five Civilized Tribes, by the attorney for the Cherokee Nation, a motion "to review and reject" the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated case of Eliza Gaines, et al. This motion was transmitted to the Department on November 28, 1906. On February 12, 1907 (I.T.D. 1868-1907), this office was advised by the Department that said motion was denied.

Sometime after the filing of the affidavits relative to the death of the said Jordan Harper, and on July 21, 1906, a hearing was had before the Commissioner at which it developed that the date of death given in said affidavits was erroneous and that the said Jordan Harper had actually died sometime during the month of December, 1902. It would therefore appear that his name should have been placed upon a roll schedule of freedmen citizens of the Cherokee Nation for approval by the Secretary of the Interior on or prior to March 4, 1907.

It appears from the records of this office that on June

30, 1902, Emmett Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Daniel Davis, his wife, Mary E. Davis, and their children, William Emery Davis and Lorenzo Newton Davis, as citizens of the Cherokee Nation, Mary E. Davis claiming as a citizen by intermarriage and the other persons named claiming as citizens by blood.

On December 27, 1905, the Commissioner rendered his decision in said case, rejecting the applications of Daniel Davis and William Emery Davis and granting the application for the enrollment of Lorenzo Newton Davis. The applicant, Mary E. Davis, claiming by reason of her marriage to a claimant as a citizen by blood of the Cherokee Nation, her application was not passed upon at that time, but was subsequently denied by the decision of the Commissioner of January 10, 1907, which was affirmed by the Department on January 26, 1907.

On January 8, 1906, the attorney for the Cherokee Nation filed his protest in said case against that part of the Commissioner's decision granting the right of enrollment to Lorenzo Newton Davis, and on January 13, 1906, the decision in said case, together with the protest of the attorney for the Cherokee Nation, was transmitted to the Department and in the letter of transmittal the Commissioner called attention to the ruling of the Department established in the approved opinion of the Assistant Attorney General of December 28, 1905 (I.T.D. 13218-1905), in connection with the Cherokee enrollment case of Mary L. Strick-

land, et al., and on account of said ruling recommended that the decision of this office of December 27, 1905, in so far as it granted the right of enrollment to the said Lorenzo Newton Davis, be reversed and that the application for his enrollment as a citizen of the Cherokee Nation be denied.

On February 15, 1907 (I.T.D. 24506-06 and 3128-1907), the Department rendered its decision, in whichit held that the decision of the Commissioner of December 27, 1905, should be affirmed and that the said Lorenzo Newton Davis was entitled to be enrolled. This office was advised of such action on the part of the Department and on February 19, 1907, the attention of the Department was called by telegram to the apparent conflict in the opinion in the Lorenzo Newton Davis case and the opinions of the Department in the Mary L.Strickland and Hubert Henry cases.

On February 28, 1907 (I.T.D. 18218-1905, 5468, 3138-1907), the Department advised this office that they saw no conflict in said opinions; that Lorenzo Newton Davis should be enrolled and that the Robert and Hubert Henry case should be reversed.

In view of the fact that this office in January 1906, had recommended that Lorenzo Newton Davis should not be enrolled as a citizen of the Cherokee Nation, no schedule containing his name was prepared and forwarded to the Department, in accordance with the practice adopted by this office and approved by the Department, for completing the enrollment work. For that reason his name does not appear upon the final roll of citizens of the

Cherokee Nation, although it was adjudged by the Department that he is entitled to be so enrolled.

On June 30, 1902, application was made to the Commission to the Five Civilized Tribes for the enrollment, among others, of John W. Lawrence as a citizen by blood of the Cherokee Nation.

On January 7, 1907, the Commissioner to the Five Civilized Tribes rendered his decision holding that said applicant is entitled to such enrollment and granting the same. On the same day a protest against the enrollment of such person as a citizen by blood of the Cherokee Nation having been filed by the attorney for the Cherokee Nation, the decision of the Commissioner, together with the record in the case, was transmitted to the Department, where on February 28, 1907 (I.T.D. 5582-1907), said decision was affirmed. The name of the said John W. Lawrence was never placed upon a roll schedule of citizens by blood of the Cherokee Nation and formally approved by the Secretary of the Interior on or prior to March 4, 1907.

The attention of the Department is called to the above mentioned cases for the reason that the persons affected have all been adjudged by the Department to be entitled to enrollment, but their names do not appear at this time upon the final rolls, where they have been found entitled to be placed.

The Act of Congress approved April 26, 1906 (34 Stats., 137), provides in Section 2, in part, as follows:

"Provided, That the rolls of the tribes affected by this Act

> shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Unless, therefore, the names of these persons are constructively on the final rolls of the tribe with which they have been adjudged entitled to be enrolled there is, under existing law, no way in which they can at this time be enrolled.

In regard to the case of Serena Bullocks and her three minor children first above referred to, they have been found entitled to be enrolled by the Commissioner to the Five Civilized Tribes and the Secretary of the Interior under the provisions of the Acts of Congressapproved June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861).

The first mentioned act, in regard to the enrollment of Creek freedmen, provides as follows:

> "The roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March fourteenth, eighteen hundred and sixty-seven, is hereby confirmed, and said Commission is directed to enroll such persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

Said Act further provides that,

> "The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent."

By Section 28 of the Act of Congress approved March 1,

1901, above referred to, it is further provided that the rolls of Creek citizens shall be made in compliance with the provisions of the Act of June 28, 1898, and that,

> "The rolls so made, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons."

The other persons mentioned have been found by the Commission or Commissioner to the Five Civilized Tribes and the Secretary of the Interior to be entitled to enrollment as citizens or freedmen of the Cherokee Nation.

It is provided by Section 21 of the Act of Congress approved June 28, 1898, supra:

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

It shall make a roll of Cherokee freedmen in strict compliance with the decree of the court of Claims rendered the third day of February, eighteen hundred and ninety-six..

The rolls so made, when approved by the Secretary of the Interior, shall be the final rolls of citizenship of said tribe, upon which the allotment of all lands and the distribution of all moneys and other property of the tribe shall be made, and to no other persons."

By Section 29 of the Act of Congress approved July 1, 1902 (32 Stats., 716), it is provided:

"For the purpose of expediting the enrollment of the Cherokee citizens and the allotment of lands as herein provided, the said Commission shall, from time to time, and as soon as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Cherokee tribe upon which allotment of land and distribution of other tribal property shall be made. When there shall have been substituted to and approved by the Secretary of the Interior lists embracing the names of all those lawfully entitled to enrollment, the rolls shall be deemed complete. The rolls so prepared shall be made in quadruplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the Principal Chief of the Cherokee Nation and one to remain with the Commission to the vive Civilized Tribes."

It will be noted that in these provisions of law relative to the preparation of the rolls of citizens and freedmen of the Creek and Cherokee nations it is nowhere provided explicitly in what manner the rolls shall be made. It does provide that the rolls shall be prepared by the Commission to the vive Civilized Tribes, and that when the enrollment of any person is approved by the Secretary of the Interior his enrollment becomes complete.

For the purpose of enrollment the Commission, with the approval of the Department, adopted a certain system of procedure which has been followed during all of the enrollment work under the laws above referred to. There have been prepared sheets or schedules upon which have been listed the names of all persons found entitled to enrollment by the Commission or Commissioner to the Five Civilized Tribes and when these sheets or schedules were approved by the Department, they have been considered a part and parcel of th final roll of the Nation affected. Th names of the majority of persons who have been enrolled as citizens of one of these tribes have never been presented to the Department for consideration until they have been sent up on one of these schedule sheets above referred to. Prior to the scheduling the only class of cases which have been submitted to the Department have been those in which an unfavorable decision was rendered by this office, or cases thiwhich a favorable decision was rendered by this office and the attorney for the nation affected has filed protest. In these two classes of cases the right of the parties to enrollment was considered by the Department without their names having been placed upon a final roll schedule. In such cases, when unfavorable action of this office was reversed by the Department, or the favorable action of this office was approved by the Department, the cases have been returned to this office for scheduling.

The final act, however, on the part of the officers of the United States in the matter of the enrollment of persons as citizens of one of the Five Civilized Tribes, is the approval of such enrollment by the Secretary of the Interior. In all of the cases above referred to, this action has formally taken place and I do not believe that these persons should be deprived of the right of having their names appear upon the final roll, upon which it has been determined that they are entitled to appear, by reason of a default in the administrative work of this office or the Department.

By all the legislation providing for the enrollment of citizens of the Creek and Cherokee nations it is provided that the rolls of these two tribes shall be complete when the names of all the persons found entitled to be enrolled under the various acts of Congress regulating the enrollment in these two nations have been submitted to the Secretary of the Interior and acted upon by him.

By the provisions of Section 2 of the Act of April 26, 1906, which has heretofore been quoted, it is provided, however, that "the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date (March 4, 1907)."

In the cases of these persons all the steps incident to enrollment have been taken. They have been found entitled to

enrollment by the Commission or Commissioner to the Five Civilized Tribes, their names have been submitted to the Secretary of the Interior for consideration by him and their enrollment has been approved by him.

I therefore have to recommend that their names be placed upon the final rolls of the Creek and Cherokee Nations and there is herewith transmitted a Creek freedman schedule sheet upon whichhave been placed the names of Serena Bullocks and her three minor children, Bessie Harris, Minnie Vincent and Lou Willie Bullocks, opposite Nos. 5694, 5695, 5696 and 5697, respectively.

There is also transmitted a Cherokee freedman schedule sheet upon which has been placed the name of John Ross, Jr., opposite No. 4360, also a Cherokee Indian schedule sheet upon which have been placed the names of John D. Lacey and seven children, Myrtle L. Colvin, William D. Lacey, Shelley M. Lacey, Miles L. Lacey, Ezekiel M. Lacey, Jesse Franklin Lacey and Martha E. Lacey, and his minor grand-child, Ella Colvin, opposite Nos. 32918, 32919, 32920, 32921, 32922, 32923, 32924, 32925 and 32926, respectively; also a Cherokee freedman schedule sheet upon which has been placed the name of Jordan Harper, opposite No. 4359; also a Cherokee Indian schedule sheet upon which has been placed the name of Lorenzo Morton Davis, opposite No. 32916; also a Cherokee Indian schedule sheet upon which has been placed the name of John W. Lawrence, opposite No. 32917, and if the Department concurs in

the above, it is recommended that one copy of the sheets containing these names be attached to and made a part of the final rolls of th Creek and Cherokee Nations as they appear of record in the office of the Secretary of the Interior and Commissioner of Indian Affairs and that three copies of the same be returned to this office to be attached to the copies of the roll in its possession.

As this office, under Departmental instructions, is preparing to have the final rolls of the citizens and freedmen of the Five Civilized Tribes printed, it is requested that consideration and action on this matter be expedited as much as possible.

Respectfully,

(Signed) Tams Bixby

Commissioner.

Through the Commissioner
of Indian Affairs.

AMK-3-1.

Cher 11024
Aleck Buck

Cher 11024

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

SPAVINAW, CHEROKEE NATION, OKLAHOMA, OCTOBER ,1910.

In re enrollment of Buck Aleck as a minor Cherokee by Blood

TAYLOR BUCK, being first duly sworn, and being examined, testified as follows:

Q: What is your name, and where do you reside?

A: Taylor Buck, P.O. Spavinaw Okla. Live 6 miles South East of Spavinaw on Saline Creek.

Q: Were you well acquainted with Lydia Aleck, wife of John Aleck, during her lifetime? Yes.

A: I knew her all of her life.

Q: What relation, if any, was she to you?

A: She was my sister.

Q: Prior to her death on November 22, 1907 was there born to her a child, afterwards named Buck Aleck?

A: Yes.

Q: Who was the father of that child?

A: John Aleck.

Q: When was Buck Aleck born?

A: About May 31 st, 19[illegible]

Q: Why was no application ever made for the enrollment of Buck Aleck during the lifetime of his parents?

A: The father and mother of this boy were both Night Hawk Indians and did not believe in enrolling.

Q: Where and with whom has Buck Aleck been living since the death of his parents?

A: Living 6 miles S.E. of Spavinaw, Okla. and has been since the death of his father and mother.

: Is Aleck Buck living with you now?

A: Yes.

Q: Does the name of Buck Aleck appear on any Cherokee tribal roll?

A: None that I know of, except the Eastern or Emigrant Cherokee roll.

Q: Was any application made for payment to Buck Aleck for his distributive share of the Eastern Cherokee fund and if so, did you receive the share?

A: Yes. I, as his ~~natural~~ Legal guardian, was paid his share in the Eastern Cherokee fund-.

Q: Have you been appointed the legal guardian or are you only the natural guardian of Buck Aleck?

A: Legal guardian. Appointed in the County Court of Deleware Co. At Grove, Okla.

Q: Is Buck Aleck for whom you are guardian identical with Buck Ellick No. 10582 on the Eastern Cherokee Roll, 3 years of age, of Chloeta, Oklahoma, who was enrolled on the Eastern Cherokee roll as entitled to a distributive share of the Eastern and Emigrant Cherokee fund?

A: Yes.

Q: Has Buck Aleck ever been enrolled as a Cherokee citizen under another name?

A: No.

Taylor Buck

Subscribed and sworn to before me this 20th day of October, 1910.

C. M. Kellyblue
Notary Public.

My Commission expires Commission Expires Jan. 19, 1914

16.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913

90635

MEMORANDUM.

Buck Aleck- minor Cherokee by blood, born May 31, 1902, still living with Taylor Buck at Spavinaw, Okla.

The name Buck Aleck is identical with Buck Killick whose name appears on Eastern Cherokee Roll No. 10582 but not on E. C. T. roll.

Father- John Aleck, deceased. Roll No. 25596-full blood.

Mother- Lydia Aleck, deceased. Roll No. 25597,-full blood.

Witness, October 20, 1910, Taylor Buck, brother of the deceased mother, Lydia Aleck. Answer interrogatories propounded.

No prior application because parents of the child were Night Hawks and didn't believe in enrollment.

Recommended that Buck Aleck be enrolled as a minor Cherokee by blood; full blood.

Inclosure.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913

90635

Subject:
Right of enrollment
of Buck Alecks as a
minor Cherokee by blood.

Muskogee, Oklahoma, October 8, 1910.

Mr. Charles J. Hunt,

Special Assistant District Agent.

Tahlequah, Oklahoma.

Sir:

For Departmental use by the advice and consent of Dana H. Kelsey, United States Indian Superintendent, you are requested to locate one Taylor Buck, formerly of Spavinaw, Cherokee Nation, Oklahoma, and now reputed to be living on Big Saline Creek just above Saline Court House and have him answer fully the questions submitted in the enclosed statement.

Please make this matter special and report the result of your investigation as soon as practicable to me in care of the Commissioner to the Five Civilized Tribes.

Respectfully,

W. E. Pollock

Assistant Attorney Interior Department.

Encl. 10-8-1
JCL.

DEPARTMENT OF THE INTERIOR,

UNITED STATES INDIAN SERVICE,

FIELD
CJH-CAS

UNION AGENCY,

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

Subject:
Right of enrollment of Buck Aleck.

Vinita, Okla., Oct. 21, 1910.

Hon. W. C. Pollock,

Assistant Attorney Interior Department,

Muskogee, Okla.

Sir:

Complying with your request of the 8th instant, Taylor Buck of Spavinaw, Oklahoma, was visited and his answer to all questions desired concerning the enrollment of Buck Aleck were obtained. The statement duly signed and sworn to is enclosed herewith.

Respectfully,

Charles J. Hunt

Special Assistant District Agent.

Cher 11025

Stanley Q. Anderson

Guardian papers to Mr. Hiskey
1-4-1915

Cher 11025

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Stanley A. Anderson

as a citizen of

Cherokee Nation.

[redacted]ed ..... 190...

.....

Commissioner.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation

of Stanley Q. Anderson, born on the 17 day of November, 1903
[Here insert name of child]

Name of Father: Danial Anderson a citizen of the Cherokee Nation.

Name of Mother: Amanda Anderson, now Amanda Cansdell a citizen of the Cherokee Nation.

Tribal enrollment of father. Registered Delaware Roll No. 99 Tribal enrollment of mother. Cherokee Roll No. 10[illegible]

Postoffice Nowata, Oklahoma.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I, Amanda Cansdell, formerly Amanda Anderson, on oath state that I am 27 years of age and a citizen by blood of the Cherokee Nation; that I was the lawful wife of Daniel Anderson, who is a citizen, by blood of the Cherokee Nation; that a Male [Male or Female] child was born to me on the 17th day of November 1903; that said child has been named Stanley Q. Anderson and was living March 4, 1906.

Amanda Cansdell
her mark

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 8 day of October, 1910.

R. P. Harrison, Clerk U.S. District Court
Eastern District of Oklahoma
By Frances Long, Deputy
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I, Sarah E. Martin, a Mid-Wife, on oath state that I attended on Amanda Anderson, wife of Daniel Anderson on the 17th day of November, 1903; that there was born to her on said date a Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Stanley Q. Anderson

Sarah E. Martin

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 10 day of October, 1910

R. P. Harrison Clerk U.S. District Court
Eastern District of Oklahoma
By Frances B Long, Deputy

19.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

MEMORANDUM.

Stanley Q. Anderson, minor Cherokee by blood, born November 17, 1906, still living.

Father- Daniel Anderson, deceased, ~~registered~~ Delaware, Roll No. 99.

Mother, Amanda Anderson, now Cansdell, P. O. Nowata, Oklahoma, Cherokee by blood, Roll No. 10421.

Birth affidavit of mother and Sarah E. Martin, midwife.

Report of District Agent Frank B. Long states that when the mother applied for the enrollment of another child Lucile D. Anderson that she was

> "under the impression at the time she made that application that her husband, who at that time was deceased, had made application for the enrollment of Stanley Q. Anderson. She afterwards learned, however, that instead of making application for the enrollment of this child on the final rolls of the Commissioner to the Five Civilized Tribes, that the Father had made application for the enrollment of the child on the Delaware roll for the purpose of drawing the Delaware per capita payment."

An examination of the Delaware rolls does not show the name of Stanley Q. Anderson.

Recommend enrollment of Stanley Q. Anderson as a minor Cherokee by blood.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

Muskogee, Oklahoma, October 5, 1910.

Mr. Frank B. Long,
District Agent,
Nowata, Oklahoma.

Sir:

You are requested to make a special investigation of the following facts and submit your report thereof as soon as practicable.

Amanda Anderson, nee Martin, wife of Daniel Anderson a deceased Delaware, is enrolled opposite number 10421 on the final approved roll of Cherokees by Blood, 19 years of age, a female, of one sixteenth Cherokee blood.

With her is enrolled a son, Neven T. Anderson, No. 10422, born July 17, 1901, for whom she filed application for enrollment on April 2, 1902.

Thereafter on July 27, 1906, application was filed for the enrollment of a female child, named Lucile D. Anderson, born February 23, 1906, as the issue of Amanda and Daniel Anderson, deceased, who died October 12, 1906, and the child Lucile D. Anderson has been duly enrolled as a minor Cherokee by blood opposite number 4296.

There appears a notation on the records of the

Commissioner to the Five Civilized Tribes to the effect that "Amanda Anderson claims to have a child, Stanley J. Anderson born, November 1902," but no application for this last named child appears of record, although it would appear that the child was born prior to the birth of Lucile D. Anderson for whom an application was made.

You are requested to call on the mother, Amanda Anderson at Ogleeby, Oklahoma (if she be not a resident of Ogleeby, she probably lives at Nowata-at which place she applied) and ascertain if she had a child living on March 4, 1906, named Stanley J. Anderson, born in November 1902, and if that child be the issue of her marriage with David Anderson, a deceased Delaware, and why she has never applied for its enrollment.

A blank form of birth affidavit is inclosed for her execution if the child be living and is entitled to enrollment under the act of Congress approved April 26, 1906 (34 Stat. L. 137). You will have the affidavit executed and return same with your report to my address, in care of the Commissioner to the Five Civilized Tribes.

In addition to the above investigation you are request ed to make another investigation at Ogleeby, to ascertain if Mary Boone, an enrolled full blood Cherokee No. 31580, has a

daughter named Ethel Boone, the issue of James Boone, a Shawnee Indian, and Mary Boone, nee Fallingleaf.

It appears that Mary Boone of Nowata, Oklahoma, applied for the enrollment of a son, Luther Boone, born September 23, 1896 but no application appears for the enrollment of Ethel Boone, who is reputed to be seven or eight years of age. You will ascertain all the facts available as to the right of Ethel Boone to enrollment under the Act of Congress approved April 26, 1906, and therefor is forwarded a blank birth affidavit for execution by the mother, which you will please return with your report.

Very respectfully,

[illegible]
Encl. JCL-10-8

F i e l d.

Subject:- In re enrollment of Stanley Q. Anderson. Request from W. C. Pollock.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
UNION AGENCY.

UNITED STATES INDIAN SERVICE,
FRANK B. LONG, District Agent,
DISTRICT No. 2.
Washington, Nowata & Rogers Counties,
NOWATA, OKLAHOMA.

Nowata, Oklahoma, October 14, 1910.

Hon. W. C. Pollock,

Asst. to Attorney General,

Muskogee, Oklahoma,

Sir:-

Replying to your letter of October 5, 1910, in which you requested me to make an investigation in the matter of the enrollment of Stanley Q. Anderson, son of Amanda Anderson, nee Martin, and Daniel Anderson, a deceased Delaware; I have the honor to submit the following report:-

At the time of the enrollment of minor Cherokee citizens, under the Act of Congress approved April 26, 1906, Amanda Anderson made application for the enrollment of her youngest child, Lucile D. Anderson. She stated to me that she was under the impression at the time she made this application, that her husband, who at that time was deceased, had made application for the enrollment of Stanley Q. Anderson. She afterwards learned, however, that instead of making application for the enrollment of this child on the final rolls of the Commissioner to the Five Civilized Tribes, that the father had made application for the enrollment of the child on the Delaware roll for the purpose of drawing the Delaware per capita payment.

W. C. Pollock - 2 -

10 - 14 - '10.

I am enclosing herewith, in accordance with your instructions, affidavit of Amanda Cansdell, formerly Amanda Anderson, as to the birth of Stanley Q. Anderson, and also the affidavit of Sarah E. Martin, a mid-wife, who attended Amanda Anderson at the time of the birth of Stanley Q. Anderson.

In the matter of the enrollment of one of the new born children of Mary Boone, an enrolled full blood Cherokee Roll No. 31580, you are advised that I have located the residence of this allottee and her husband on the Caney river southwest of Oglesby, Oklahoma. I will call upon them one day next week, and submit a report immediately afterwards.

Enc.
10-14-'10.
Dic.FBL.
"J"

Very respectfully,

Frank B. Long
District Agent.

Cher 11026
John Baldridge

Cher 11026

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Sallisaw, Oklahoma, December 19, 1910.

IN RE APPLICATION FOR ENROLLMENT, as a Cherokee Citizen, of John Baldridge, who appears upon the Eastern Cherokee Roll opposite No.4027, and is shown not to be upon the Final Rolls of the Five Civilized Tribes.

Interpreted by Thomas P. Roach, official interpreter, of Muskogee, Okla.

Examination by Mr. S. A. Mills on behalf of the Commissioner:

George Baldridge being first duly sworn testifies as follows:

Q State your name, age and address? A George Baldridge, age 52, Sallisaw, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.#18985)
Q Have you any children who are not enrolled upon the Cherokee Final Rolls? A Yes sir, one.
Q What is that childs name? A John Baldridge.
Q Who is the mother of John Baldridge? A Alcy. (See F.C.R.#18986)
Q Have you any children who are enrolled upon the Final Rolls of the Cherokee citizens? if so, what are their names? A Yes sir, Albert the oldest and James. (See F.C.R.#18987 and 18988)
Q How old is this your son John? A Five years old.
Q Where is he now? A Here--indicating the child.
Q What year, month and day was your son born upon? A Born on Aug. 15, 1905.
Q Have you a record of that event? A No sir.
Q In the absence of a written record how do you fix that date so positively? A I remember the child was born that day, that is all.
Q Who was present at the time of the birth of your son John, for whom you are making application tobe enrolled as Cherokee Citizen? A This woman, Cooey Blackhawk (See F.C.R.#22951)
Q Has your son John received any share of the Eastern Cherokee Immigrant payment? A Yes sir, I draw it for him.

Alcy Baldridge being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Alcy Baldridge, age about 44, Post Office Sallisaw, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes Sir. (See F.C.R.#18986)
Q I note that the Final Rolls to which you refer the name is given as Alice Baldridge and you give it as Alcy Baldridge? A My Cherokee name is Alcy and the Commission gave me thename of Alice, by which name I am also known.
Q What is your husbands name? A George Baldridge. (See F.C.R.#18985)
Q What children have you? A Albert, James and John. (See F.C.R. #18987 and 18988)
Q Has your son John been enrolled as a Cherokee Citizen? A I do not know.
Q When was your son John born? A Born Aug. 15, 1905.
Q How do you fix the date to be Aug. 15, 1905? have you a written record of it? A I know, I am the mother of this child. I have no other record.
Q Who waited upon you when your son John was born? A This woman, Cooey Blackhawk.

Q Is your son John now living? A Yes sir, he lives with me.
Q Have you any other way of fixing the date of the birth of your son John other than your memory, any other incident or coincident? A None, only my memory.

Cooey Blackhawk being first duly sworn testifies as follows:
Q State your name, age and Post office address? A Cooey Blackhawk, age 50, P. O. Sallisaw.
Q Are you an enrolled Cherokee Citizen? A Yes Sir. (See F.C.R. #22951)
Q Are you well acquainted with George Baldridge and Alcy Baldridge, his wife, and their family? A Yes sir.
Q Do you know of their having a son named John? A Yes sir.
Q How old is this their son John? when was he born? A He was five years old last August.
Q Was you present at the time of the birth of this child John? A Yes sir, I was the midwife.
Q Can you in any manner fix the date of the birth of this John Baldridge, the year, month and day more positively? A Only by the fact that it was at the time of the annual picnic which we hold every year at Forman and that was five years ago the 15th of last August.
Q Where is this child John now? is he alive? A Yes, living, here he stands; living with his parents.

The child is present and appears of the age and blood claimed.

W. M.Poltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in the said case.

W M Poltz

Subscribed and sworn to before me on this 25th day of January, 1911.

R. P. Harrison, Clerk.

Edward Moore
Deputy.

59. MEMORANDUM.

OFFICE OF INDIAN AFFAIRS
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John Balbridge, Eastern Cherokee, roll No. 4027, not enrolled on F. C. T. roll.

Born August 15, 1905, still living, produced at the hearing and appeared to be of the age and quantum of blood claimed.

Father- George Balbridge, P. O. Sallisaw, Okla., full blood Cherokee, Roll No. 18985.

Mother- Alice Balbridge, full blood Cherokee Roll No. 18986.

Witnesses- Dec. 19, 1910, Father, mother and midwife named Coosy Blackhawk, of Sallisaw, Okla.

Birth affidavit also filed.

Both parents being full blood Cherokees, the child having been born prior to March 4, 1906 and living on that date, it is recommended that John Balbridge be enrolled as a minor full blood Cherokee citizen.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

John Baldridge

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

BIRTH AFFIDAVIT. 199

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913

90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation.

of John Baldridge [Here insert name of child] born on the 15th day of August 1905.

Name of Father: George Baldridge a citizen of the Cherokee Nation.

Name of Mother: Alcy Baldridge a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee, Roll 1895. Tribal enrollment of mother Cherokee, Roll 1896

Postoffice Sallisaw, Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Sequoyah County ~~District~~.

I, Alcy Baldridge, on oath state that I am 44 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of George Baldridge, who is a citizen, by Blood of the Cherokee Nation; that a male [Male or Female] child was born to me on 15th day of August 1905.; that said child has been named John Baldridge and was living March 4, 1906, and is now alive and living with me

her
Alcy X Baldridge
mark

WITNESSES TO MARK:

[Must be Two Witnesses]
Thomas P. Rook Muskogee Okla
W. E. Folk Muskogee Okla

Subscribed and sworn to before me this 19th day of December 1906

R. P. Harrison - Clerk
By A. Gillis Deputy ~~Notary Public~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Sequoyah County ~~District~~.

I, Covey Blackhawk a midwife, on oath state that I attended on Alcy Baldridge, wife of George Baldridge on the 15th day of August 1905; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named John Baldridge and is now alive and living with its parents.

his
Covey X Blackhawk Cherokee Roll 22954
mark P.O. Sallisaw Okla

WITNESSES TO MARK:

[Must be Two Witnesses]
Thomas P. Rook Muskogee Okla
W. E. Folk Muskogee Okla

Subscribed and sworn to before me this 19th day of December 1906

R. P. Harrison - Clerk
By A. Gillis - Deputy ~~Notary Public~~.

Department of the Interior.

Commissioner to the Five Civilized Tribes.

Sallisaw, Oklahoma, December 17, 1910.

In re application for enrollment as Cherokee Citizen of Willie Elk, as shown upon the Eastern Cherokee Roll opposite Roll No.10568, and shown not to be upon the Final Rolls of the Five Civilized Tribes.

Interpreted by Thomas P. Roach, official interpreter, of Muskogee Okla.

Examination by Mr. S. A. Mills on behalf of the Commissioner:

Sam Elk being first duly sworn testifies as follows:

Q State your name, age and post office address? A Sam Elk, age 26, post office Sallisaw, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.# ~~19291~~ 19291)
Q What is your wife's name, if you have one? A Nannie Elk.
Q Is she an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.#32064)
Q Have you a child named Willie Elk, who is not enrolled upon the Final Rolls of the Cherokee Tribe? A Yes sir.
Q Where is that child now? A Here--indicating the child
Q When was this, your child, Willie Elk born? A Born on March 1, 1906.
Q Have you a record of the date of that birth? A No sir.
Q How do you fix the date so positively to be March 1st, 1906? A Because it was the first child that was born to us and I remember it, and I talked it over with friends and neighbors who know when the child was born.
Q Who was present when your son Willie was born? A This woman here, Lucy Pettit, she waited on my wife when the child was born.
Q Have you any other way of determining that date excepting a matter of memory? can you not fix it by some incident or coincident? A Because I remember town-working at Rich Baldridge the day Willie was born.
Q Can you not be mistaken as to the year, month and day you have mentioned to be the date of the birth of this child? A No sir,
Q Have you heretofore made application for the enrollment of this your son Willie? A No sir.
Q Why not? A Because I did not know how, and I was a Nighthawk.
Q

Nannie Elk being first duly sworn testifies as Follows:

Q State yourname, age and Post Office address? A Nannie Elk, age 20, P.O. Sallisaw, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#32064)
Q Are you the wife of Sam Elk? A Yes Sir.
Q Have you a son called Willie Elk? A Yes Sir.
Q Have you made application heretofore, or has any one ever for him to be enrolled a Cherokee Citizen? A No sir.
Q How old is this your son Willie? A Four years old.
Q Four years old when? A He is already 4 years old; he will be 5 years old the 1st day of March next.

Q Have you a record of the date of the birth of this your son Willie?
A No sir.
Q How doyou fix the date of his age to be 5 years old the 1st day of next March? A Because I am the mother of the child, any mother ought to know the age of her childred.
Q Then you have no other way of fixing the date of the birth of your child except as stated? A There was town working nearby at Rich Baldridge the day when Willie was born.
Q Who was present at the birth of your son Willie? A This woman here, Lucy Pettit.
Q Is Willie your oldest child? A Yes Sir.

Lucy pettit being first duly sworn testifies as follows:
Q State your name, age and Post Office address? Lucy Pettit, age about 46, Post Office Sallisaw, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes Sir. (See F.C.R.#29868
Q Are you well acquainted with the family of Sam and Nannie Elk? A Yes Sir.
Q Do you know their son Willie? A Yes sir, I was present when he was born and acted as midwife.
Q When was this Willie Elk born? A I do not know, I am not well educated. He will be five years old in the Spring, about March 1st.
Q Have you any record or any way that you can fix the date of the birth of this child more accurately? A I just remember it by the fact that I have a child one year older. (See F.C.R. by blood of Minor Childred #3817)
Q Who is this child Willie living with? A Living with his father and mother.

The child was present and appeared to be of the age and blood claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in the said case.

W E Foltz

Subscribed and sworn to before me on this 4th day of January, 1911.

R. P. Harrison, Clerk.

By Edward C. Kerr
Deputy.

RECEIVED
JUL 24 1913
90635

62.

MEMORANDUM.

Willie Elk- Eastern Cherokee Roll No. 10662, not enrolled on P. C. T. roll. Born March 1, 1906, still living, produced at the hearing and appeared to be of the age and quantum of blood claimed.

Father- Sam Elk, P. O. Gallisaw, Okla., full blood Cherokee, roll No. 19291.

Mother- Nannie Elk, enrolled as Nannie Foreman, full blood Cherokee, Roll No. 33064.

Witnesses - December 17, 1910, father, mother and midwife named Lucy Pettit, full blood Cherokee, Roll No. 29868. Midwife testified that Willie Elk was one year younger than her child, Nancy Pettit, Roll No. 3819-Full blood.

Father made no previous application because he was a Nighthawk and opposed to enrollment.

The child having been born prior to March 4, 1906 and living on that date as the issue of enrolled parents, it is recommended that Willie Elk be enrolled as a minor full blood Cherokee.

20

Act of Congress Approved April 26, 1906

IN RE

Application for Enrollment of

Minor ~~INFANT~~ CHILD

Willie Elk

as a citizen of

Cherokee Nation.

Approved 190

.....

Commissoner.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90636

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Enrollment of Minors. Act of Congress Approved April 26, 1906.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,

of Willie Elk (Here insert name of child), born on the 1st day of March, 1906

Name of Father: Sam Elk, a citizen of the Cherokee Nation.

Name of Mother: Nannie Elk, a citizen of the Cherokee Nation.

Post-office .....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~INDIAN TERRITORY~~, State of Oklahoma
Sequoyah County, ~~District~~.

I, Nannie Elk, on oath state that I am 30 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of Sam Elk, who is a citizen, by blood, of the Cherokee Nation; that a male (Male or female) child was born to me on 1st day of March, 1906 that said child has been named Willie Elk and ~~is now~~ was living March 4, 1906 and is now alive and living with me

WITNESSES TO MARK: her Nannie X Elk mark

(Must be Two Witnesses) W. E. Folty, Muskogee, Okla.
Thomas P. Roach, Muskogee Ok.

Subscribed and sworn to before me this 17th day of December 1910

Seal

R. P. Harrison - Clerk
~~NOTARY PUBLIC~~
S. A. Mills - Deputy

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, ~~INDIAN TERRITORY~~, State of Oklahoma
Sequoyah County, ~~District~~.

I, Lucy Pettit, a midwife, on oath state that I attended on Mrs. Nannie Elk, wife of Sam Elk on the 1st day of March, 1906 that there was born to her on said date a male (MALE OR FEMALE) child; that said child ~~is now~~ was living March 4, 1906 and is said to have been named Willie Elk, and he is now alive and living with his parents

WITNESSES TO MARK: her Lucy X Pettit mark

(Must be Two Witnesses) W. E. Folty, Muskogee, Okla.
Thomas P. Roach, Muskogee Ok.

Subscribed and sworn to before me this 17th day of December 1910

Seal.

R. P. Harrison, Clerk
~~NOTARY PUBLIC~~
By S. A. Mills

Cher 11027

Dave Ballou

11027

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR,

MUSKOGEE, OKLAHOMA, FEBRUARY 2, 1911.

In the matter of the applis ation for the enrollment of Dave Ballou as a minor citizen by blood of the Cherokee Nation.

Proceedings had before Edward Merrick, Law Clerk Commissioner to the Five Civilized Tribes.

TOM BALLOU, being first duly sworn and examined through sworn interpreter, Blue Murphy, testified as follows:

BY MR. MERRICK:

Q What is your name? A Tom Ballou.
Q How old are you? A 33.
Q What is your postoffice address? A It has been Peggs but now the postoffice is named Murphy, but I have been getting my mail at Peggs most of the time, I would rather have my mail sent to Peggs, Oklahoma.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir.
Q What was the name of your father? A Jeff Ballou.
Q What was the name of your mother? A Nancy.
Q What is the name of your wife? A Sallie.
Q Have you any children enrolled as Cherokees by blood?
A Two.
Q What are their names? A Nelson and Peter.

NOTE:

It appears from an examination of the records of this office that the witness, Tom Ballou, is enrolled as a citizen by blood of the Cherokee Nation, 3/4 blood, opposite Roll No. 20716, and that he is listed together with his wife, Sallie and two children, Nelson and Peter, whose names appear opposite Roll Nos. 20717, 25901 and 25902, respectively, on the approved Cherokee Roll, on Cherokee Census Card No. 9005.

Q Have you any children who are not enrolled? A Two more.
Q Two more? A Three, Dave, Eliza and Robert Lee Ballou.
Q Which is the oldest of the three children not on the roll?
A Dave.
Q When was Dave born? A September 15, 1903.
Q Is Dave now living? A Yes sir.
Q When was Eliza born? A 17th April 1907.
Q Is Eliza living? A Yes sir.
Q When was Robert Lee born? A 13th day of March, 1909.
Q Both Eliza and Robert Lee were born subsequent to March 4, 1906? A Yes sir.
Q What is the name of the mother of Dave? A Sallie.
Q Are you married to Sallie? A Yes sir.
Q Was Sallie an enrolled Cherokee citizen? A Yes sir.

NOTE:

From an examination of the records of this office it appears that Sallie Ballou, wife of the witness, is enrolled as a full-blood Cherokee citizen of the Cherokee Nation, Roll No. 20718, Census Card No. 9003.

Q Have you ever heretofore made application for the enrollment of your child Dave? A No sir.
Q Why did'nt you make application for this child? A They apointed Ned Downing to take the census for the toe laters and he never come around to my house, thought some one else would put him on and I looked over the roll book and I though I saw Dave Ballou on there.....
Q Is your wife here today? A No sir.
Q Have you any record or memorandum of the birth of your child, Dave? A Yes sir, got it at home and got copy of it with me.
Q Have you the record with me? A Just copy of record.

NOTE:

Witness presents memorandum stating that same was a copy taken from the record he had at home. Said memorandum reads as follows:

"Dave Ballou born Sep. 15, 1903".

Q This memoradum that you present here was written by you was it? A Yes sir.
Q Is it a copy of some record which you have at home? A Yes
Q When was this record at home made? A Had it a good while, puts them down as they come.
Q Was the record as to Dave's birth made shortly after he was born? A Yes sir.
Q You are certain that the memorandum presented by you is an exact copy of the record at home? A Yes sir.
Q You say Dave is now living? A Yes sir.
Q Does he go to school? A Yes sir.

(Witness excused)

BLUE MURPHY, being first duly sworn and examined, testified as follows:

Q What is your name? A Blue Murphy.
Q Your age? A 28.
Q What is your postoffice address? A Murphy.
Q Are you acquainted with Tom and Sallie Ballou? A Yes sir.
Q Are you acquainted with the childrem of Tom and Sallie? A Yes sir.
Q Is either Tom or Sallie any relation to you? A Sallie is my sister.
Q Do you know how many children they have? A Yes sir.
Q Do you know the child, Dave? A Yes sir.

Q How old is Dave at this time? A Some thing over 7 years old.
Q Is [illegible] A Yes

DAVE BALLOU-------3.

Q He is living is he? A Yes sir.
Q Do you know when he was born? A Not exactly.
Q Do you know what year? A 1903.
Q Is he a good size boy? A Yes sir, good size boy (indicating with hand about as tall as ordinary table)
Q Is he attending school? A Yes sir.
Q You know that to be a fact? A Yes sir, I seen him going to school. I was married right after he was born.
Q Do you know Eliza and Robert Lee, children of Tom and Sallie Ballou? A Yes sir.
Q Do you know about when Eliza wasborn? A Well I could'nt very well recollect the month and date.
Q How old is she? A About 4 years old.
Q Howold is Robert Lee? A He is a little over a year old.
Q Both of these children were born subsequent to March 4, 1906? A Yes sir.

(Witness excused)

Lee G. Grubbs, being first duly sworn, states that the above and foregoing is a true and correct copy of his stenographic notes taken in said case and on said date.

Lee G. Grubbs

Subscribed and sworn to before me on this the 4th day of February , 1911.

R. P. HARRISON, CLERK

Edward Hook
Deputy.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

MEMORANDUM.

Cherokee Jacket No. 185.

(a) Dave Ballou. P.O. Peggs, Okla. Born Sept. 15, 1903.

(b) Eliza Ballou. P.O. Peggs, Okla. Born April 17, 1907.

(c) Robert Lee Ballou. P.O. Peggs, Okla. Born March 12, 1909.

Father: Tom Ballou, Peggs, Okla., Cherokee Roll No. 20716; 3/4 blood.

Mother: Sallie Ballou, Peggs, Okla., Cherokee Roll No. 20717; full blood.

Brother: Nelson Ballou, Peggs, Okla., Cherokee Roll No. 25901; 7/8 blood.

Brother: Peter Ballou, Peggs, Okla., Cherokee Roll No. 25902; 7/8 blood.

Witnesses: Father and mother, and Blue Murphy, brother to mother. No previous application. Record evidence of birth produced. Recommended that Dave Ballou, having been born prior to March 4, 1906, to enrolled parents and still living, be enrolled, and that Eliza Ballou and Robert Lee Ballou, having been born since March 4, 1906, and not living on latter date, be not enrolled.

Cher 11028
Jennie Beamer

Cher 11028

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as Cherokee Citizens, of Jennie and Ellis Beamer, who appear upon the Eastern Cherokee Roll opposite Nos.4446 and 4449, and do not appear upon the Final Rolls of the Five civilized Tribes.

PROCEEDINGS had before Mr. S. A. Mills, on behalf of the Commissioner, at Kansas, Oklahoma, January 19, 1911.

Examination by Mr. Mills:

William Beamer, being first duly sworn, testifies as follows:

Q State your name, age and Post Office address? A William Beamer, about 36 or 37 years old; Cherokee City, Ark.
Q Are you an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.# 20346)
Q What is the purpose of your appearance here at this time? A For the purpose of enrolling my children, Jennie and Ellis.
Q Who is the mother of your children Jennie and Ellis? A Lucy Beamer.
Q Is she an enrolled Cherokee Citizen? A Yes. (F.C.R.#19780)
Q How old is your daughter Jennie, for whom you are making this application? A She will be seven yearsold March 20.
Q How old is Ellis? A He will be six years old in February.
Q Have you a record of the date of the birth of Jennie and Ellis? A Yes.
Witness submits a written record interpreted reading:
"Jennie, born march 20, 1904,
Ellis born February 22, 1906."
Q Who made that record? A Charlie Glass.
Q When was that record made? A They were written down right after they were born.
Q Where is Jennie now? A She is alive and livingwith me.
Q Where is Ellis now? A He is alive and living with me. He is sick now and his mother could not come and give testimony because she had to stay at home and take care of him.
Q Then the reason that your wife and yourchild.Jennie and Ellis are not here is of the fact that your son Ellis is sick and your wife is at home attending to him? A Yes sir.
Q Who was present when Jennie was born? A Lydia Smith.
Q Who was present when Ellis was born? A Lydia Smith.
Q Where is Lydia Smith now? A She is at home, she had teeth-ache and could not come
Q Is any one here who knows these children? A Yes; Charlie Glass.

Charlie Glass, being first duly sworn, testifies as follows:

Q State your name, age and Post Office address? A Charlie Glass; 28 years old; Kansas, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#19760)
Q Are you well acquainted with William Beamer and his wife Lucy Beamer, and their family of children? A Yes.
Q Where do they live? A Near Cherokee City, Ark.
Q What other children has Will Beamer? A One step-son, Jim Smith. (See F.C.R.#18242)

Q Is Jennie and Ellis Beamer, the children of Will and Lucy Beamer, now alive? A Yes.
Q How old is Jennie? A Born March 20, 1904.
Q When was Ellis born? A Feb. 22, 1906.
Q How do you fix the dates so positively of the births of Jennie and Ellis Beamer? A Because I wrote it down for Will Beamer.
Q Then you are the person who made the record Submitted by Mr. Beamer, showing the date of the birth of his children Jennie and Ellis A Yes sir.
Q Are these children now alive? A Yes.
Q Where are they now? A Living with their father and mother.

William Beamer recalled:
Q Did you ever make application to have your children, Jennie and Ellis, enrolled up by the Dawes Commission? A No sir.
Q Why not? A I was one of those who did not like it; I was a Night hawk.
Q Are you now willing that these children should receive an allotment of land or money in lieu thereof? A Yes sir.

W. B. Felts, being first duly sworn, states that the aboveand foregoing is a true and correct transcript of his stenographic notes taken in this case.

W B Felts

Subscribed and sworn to before me on this 24th day of January, 1911.

Edward McGrath
Notary Public.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

Cher. J. 175

MEMORANDUM.

A. Jennie Beamer, P. O. Cherokee City, Ark., on Eastern Cher. roll No. 4448, not on E. C. T. rolls, born March 20, 1904, living with parents. January 19, 1911.

6. Ellis Beamer, P. O. Cherokee City, Ark., on Eastern Cher. roll No. 4449, not on E. C. T. rolls, born Feb'y 22, 1906, living with parents. January 19, 1911

Father-William Beamer, Cher. full blood, Roll No. 20346.

Mother-Lucy Beamer enrolled as Lucy Smith, Cher. full blood, Roll No. 19780.

No previous application because Father is a Night hawk and does not believe in enrollment.

Recommended that Jennie Beamer and Ellis Beamer be enrolled as minor Cherokee full bloods.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Jennie Beamer, born on the 20th day of March 1904
[Here insert name of child]

Name of Father: Will Beamer, a citizen of the Cherokee Nation.

Name of Mother: Lucy Beamer, a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll No. 20346 Tribal enrollment of mother Cherokee Roll No. 19780

Postoffice Cherokee City, Ark.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, [illegible]
District, [illegible]

I, ... on oath state that I am .....

years of age and a citizen by ..... of the ..... Nation;

that I am the lawful wife of ....., who is a citizen, by

..... of the ..... Nation; that a .....child was
[Male or Female]

born to me on ..... day of ..... ; that said child has been named

..... and was living March 4, 1906

WITNESSES TO MARK:

[Must be Two White Witnesses]

Subscribed and sworn to before me this ..... day of ..... 1906.

.....
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Delaware County ~~District~~.

I, Will Beamer, a ....., on oath state that I
attended and ~~present~~ on Lucy Beamer my wife of .....

on the 20th day of March 1904; that there was born to her on said date a female
[Male or Female]

child; that said child was living March 4, 1906, and is said to have been named Jennie Beamer,
who is now alive and lives with me.

Will Beamer.

WITNESSES TO MARK:

[Must be Two White Witnesses]

Subscribed and sworn to before me this 19th day of January 1911

Seal

R. P. Harrison - Clerk
~~Notary Public~~
By S. A. Mills - Deputy

[COPY]

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BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Ellis Beamer, born on the 7 nd day of February 1906
[Here insert name of child]
Name of Father: Will Beamer a citizen of the Cherokee Nation.
Name of Mother: Lucy Beamer a citizen of the Cherokee Nation.
Tribal enrollment of father Cherokee Roll No 20346 Tribal enrollment of mother Cherokee Roll No 19780
Postoffice Cherokee City, Ark

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, } Mother too ill to testify or make affidavit
..... District. }

I, ... on oath state that I am.....
years of age and a citizen by..... of the..... Nation;
that I am the lawful wife of....., who is a citizen, by
....., of the..... Nation; that a .....child was
[Male or Female]
born to me on..... day of..... ; that said child has been named
..... and was living March 4, 1906.

.....

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this.....day of..... 1906.

.....
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma
Delaware County District.

I, Will Beamer, a..... ..., on oath state that I
am the physician who attended on Lucy Beamer wife of.....
on the 7 nd day of February 1906; that there was born to her on said date a male child
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named Ellis Beamer, who
is now alive and living with me.

Will Beamer

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 19th day of January 1918

Seal.

R. O. Harrison, Clerk
Notary Public.
By S. A. Mills - Deputy

Cher 11029

Charles Bean

Cher 11029

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as Cherokee Citizens, of James and Charlie Bean.

PROCEEDINGS had at Hulbert, Oklahoma, November 17th, 1910, by Mr. George Reed, on behalf of the Commissioner.

Interpreted by R. L. Taylor, Indian Policeman, of Westville, Okla.

Examination by Mr. Reed:

Sarah E. Bailey being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Sarah E. Bailey, age 39 years old; P.O., Hulbert, Okla.
Q Were you well acquainted with Joe and Susana Bean during their life time? A Yes; Susana partly raised me.
Q When did Joe Bean Die? A Two years ago this month, in 1908.
Q When did Susana Bean Die? A Two years ago last month, in 1908.
Q Did Joe and Susana Bean have children named John, Will, Ollie and Sallie? A Yes.
Q Were the parents of all these children named enrolled as Cherokee Citizens? A Yes.
Q Were there any children of these parents not enrolled? A Yes; James and Charlie.
Q Who is the father and mother of James? A Joe and Susana Bean.
Q Do you know how old James Bean is? A I don't exactly know, but this woman, Betsy Blossom, says 8 years old next Oct.
Q Who is the mother ofCharlie? A Nannie Bean, a daughter of Joe and Susana Bean; and Alex. Downing is the father.
Q How old is Charlie? A He is about six years old.
Q Was Alex. Downing and Nancy Bean lawfully married? A Alex. got out the license but Nancy died before they were married.
Q Was Charlie born before they concluded to get married? A Yes.
Q Was Nancy Bean an enrolled Cherokee Citizen? A Yes. (See F.C.R.# 30480)
Q Where are these two children, James and Charlie, now?
A In the Cherokee Orphan Asaylum at Tahlequah.
Q Are there any brethers or sisters of them there with them? A Yes; Sallie and Ollie, and their brethers are at the Haskell Institute at Lawrence, Kans.
Q How long have James and Charlie been at the Orphans Asaylum at Tahlequah? A I think there a year ago last September.
Q How long have you had to care for these children? A Since 1908.
Q Do you know if their parents ever applied for their enrollment? A They never applied because they were opposed to enrollment and allottment.
Q Did Charlie ever take thename of his father? A No; because Joe and Susana took him when he was six months old and raised him.
Q Is the mother of Charlie Bean dead? A Yes.
Q When did she die? A About six years ago, Charlie was only six months old when she died.

Betsy Blossom being first duly sworn testifies as follows:

Q What is your name, age and Post Office? A Betsy Blossom, an about 65 years old; P.O., Hulbert, Okla.
Q Did you know Joe and Susana Bean? A Yes.
Q Are they now dead? A Yes.
Q Give me the members of the family that you know have been enrolled? A Joe, Susana, wancy, John, Will, Ollie, andSallie.
Q Give me the names of any children of that family that have not been enrolled? if you know? A James and Charlie.
Q Who is the mother of James? A Susana.
Q Who is the father? A Joe.
Q How old is james now? A About eight years old.
Q What year, month and day? A Oct. about eight years ago.
Q Who is the mother of Charlie? A Nancy Bean.
Q Who is the father of Charlie? A Alex. Downing.
Q When was Charlie born? A In September five years ago.
Q Did you wait on the mother when James and Charlie were born? A Yes.
Q Where are James and Charlie now? A At the Orphans Asylum, at Tahlequah.
Q When did you see them last? A About two months ago.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed andsworn to before me on this 11th day of January, 1911.

R. P. Harrigan, Clerk.

Edward Keen

Deputy.

BIRTH AFFIDAVIT.

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DEPARTMENT OF THE INTERIOR,

90785

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Charley Bean (Here insert name of child) born on the [illegible] day of September, 1904

Name of Father: Alex Bowring a citizen of the Nation.

Name of Mother: Nancy Bean (was deceased) a citizen of the Cherokee Nation No. 30480

Tribal enrollment of father Tribal enrollment of mother Cher full bl. No. 30480

Postoffice: Orphan Asylum, Tahlequah, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory. State of Oklahoma

Cherokee County, District.

written # 4579
as Charles Bowring
also per same Clifford Bean
census card # 598

I, [illegible], on oath state that I am [illegible]

years of age and a citizen by [illegible], of the [illegible] Nation;

that I am the lawful wife of [illegible], who is a citizen, by

[illegible], of the [illegible] Nation; that a [illegible] child was
(Male or Female)

born to me on [illegible] day of [illegible] 1[illegible]; that said child has been named

[illegible] and was living March 4, 1906.

[illegible]

WITNESSES TO MARK:

[Must be Two Witnesses] { [illegible]
[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible] 1906.

[illegible]
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory. State of Oklahoma

Cherokee County, District.

I, Betsy Blossom Cher full blood No. 30471 midwife, on oath state that I

attended on Nancy Bean [illegible]

on the [illegible] day of Sept. 1904 that there was born to her on said date a male
(Male or Female)

child; that said child was living March 4, 1906, and is said to have been named Charley Bean

and is now living at the Orphan Asylum, Tahlequah, Okla. for Betsy Blossom

WITNESSES TO MARK:

[Must be Two Witnesses] { George Fields 1st Assistant Chief, Washington D.C.
R. L. Taylor Washington D.C.

Subscribed and sworn to before me this 17th day of November 1906

R.P. Harrison - Clerk

[illegible] - Deputy
Notary Public.

(COPY)

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BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the ..... Nation,

of James Bean born on the ..... day of October 1902
[Here insert name of child]

Name of Father: Joe Bean (now deceased) a citizen of the Cherokee Nation. No. 30479

Name of Mother: Susannah Bean (dec'd) a citizen of the Cherokee Nation. No. 30479

Tribal enrollment of father: Cherfull Husb 30478 Tribal enrollment of mother: Cher. full Bl. No. 30479

Postoffice Tahlequah, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Cherokee County District. } Mother dead - Guardian must be appointed

I, ... on oath state that I am ..... years of age and a citizen by ..... of the ..... Nation; that I am the lawful wife of ....., who is a citizen, by ..... of the ..... Nation; that a ..... child was born to me on ..... day of ..... 1 .....; that said child has been named ..... and was living March 4, 1906.

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this ..... day of ..... 1906.

.....
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Cherokee County District. } No. 30471

I, Betsey Blossom, Cher. full Bl. a midwife on oath state that I attended on Susannah Bean (#30479), wife of Joe Bean (#30478) on the ——— day of October 1902; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named James Bean and is now living and is at the Orphan Asylum near Tahlequah Okla.

her
Betsey X Blossom
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed #1481 Newton St, Washington, D.C.
R. L. Taylor, Mastville Ok.

Subscribed and sworn to before me this — 12th — day of November 1910

Seal.

R. P. Harrison - Clerk
By S. A. Mills - Deputy

(COPY)

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Department of the Interior.
Commission to the Five Civilized Tribes.
December 3, 1910.

In re Application for Enrollment as citizens of the Cherokee Nation of James Bean and Charles Downing, as shown upon the Eastern Cherokee Roll opposite numbers 4508 and 4509, respectively, and not shown upon the rolls of the Five Civilized Tribes.

Magnus A. McSpadden, being first duly sworn, testified as follows:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q What is your name, age and post-office address?
A Magnus A. McSpadden; age 41 years; Tahlequah, Oklahoma.
Q Are you an enrolled Cherokee citizen? A No, sir.
Q Do you know a minor child by the name of James Bean?
A Yes, sir.
Q Do you know a minor child by the name of Charley Downing?
A Yes, sir.
Q Please state how and under what circumstances you know these minor Cherokee citizens.
A Well, during the years 1909 and 1910, I had charge of the Cherokee Orphange at Tahlequah, and on or about the 5th day of September, 1909, James Bean and Charley Downing were entered at the Cherokee Orphanage by George Bailey, of Hulbert, Oklahoma, as their guardian.
Q Have you a record of the entry of these children, showing their names and ages and parentage, and whether or not those parents were then living or not? A I have a record of their names and ages, but not of their parents; they were represented to me to be orphan children. Joe Bean was the father and Susana Bean with-the were the parents of James Bean--my memory is not clear as to what Mr. Bailey said.
Q At the time of the entry of these children was any entry made of their respective ages? A Yes, of their age.
Q Then as to the parentage of the children your statements are made upon the statements made by Mr. and Mrs. Bailey? A Yes.
Q Did Mr. or Mrs. Bailey claimed to be of any relationship to these children? A Yes.
Q What did they represent to you? A Mrs. Bailey represented to me that she was the aunt of these children.
Q What was this Mrs. Bailey's name in full, if you can give it? A I can't recall it in full,--Mrs. George Bailey, of Hulbert.
Q Can you recall the mention of the name of Alexander or Nancy Bean at the time of the entry of these children in the Orphanage by Mr. Bailey? A No, sir, I can't.
Q Do you know of your own knowledge or can you recall any conversation had by you with anyone whereby the parentage of these children was referred to other than what you have already stated? A No, sir, I can't. Only what Mrs. Bailey said to me. On or about September 5, 1909, Bailey brought four children to enter as students at the Cherokee Orphan Asylum, Ollie Bean, Sallie, James and Charles Bean, and represented to me that they were all of the same family, and all enrolled as Cherokee citizens, but upon investigation I found that only two of the children, Ollie and Sallie Bean, were on the Cherokee Rolls, and that James and Charley Bean were not.
Q Did you ever make application or any effort to have James and Charley Bean enrolled as Cherokee citizens after you discovered the fact that they had not been enrolled as such? A No, sir; I made application to the Supervisor of

Cherokee Schools of the Five Civilized Tribes to be permitted to retain these two children, James and Charley, although same were not enrolled as Cherokee citizens, and I kept them there at my own expense as I was Superintendent under contract.

Q Why, after discovering that the said James and Charles Bean were not enrolled did you not, as Superintendent of said Orphanage having said children in charge and knowing same were not enrolled, did you not make application for their enrollment? A After I found that James and Charles Bean were not enrolled I called the attention of Mr. Bailey to the matter and asked him to take some steps towards placing them on the Roll. I also called the attention of Mr. Lipps to the matter, and he also advised me to see Mr. Bailey and get the matter in proper shape to have them enrolled. I did as requested, calling Mr. Bailey's attention to the matter and what steps Mr. Bailey took in the matter I am not aware.

Q Do I understand you to say that there was no Departmental records as to the inmates of this Cherokee Orphan Home?

A No, sir; nothing more than a roll.

Q You say roll, what do you mean by roll? A I mean that we kept a roll of all the children entering the Orphan Asylum, also the degree of blood and roll numbers of each.

Q Where is that record that you speak of, or call a roll, is that kept at the Orphange? A No, sir; that is only a roll that I made of my own.

Q Then, is it a fact that at the time that you took charge of the Cherokee Orphange at Tahlequah that there was no records as to the inmates, their parentage, their entry, or of their leaving the school, same being a part of the institution?

A No, sir; there was no other roll except a roll showing the time of their entries kept by my predecessor.

Q Then there was no complete history kept of the several orphans at the Orphanage as to their parentage and kin people?

A No, sir; not that I know of.

Q Then this (Referring to a large book) is the only record as to any of the orphans at the Cherokee Orphanage Home at Tahlequah, while you were Superintendent? A Yes, sir.
(The roll referred to is marked "Roll for school year 1905, 1906, 1907, 1908 and 1909. Said roll showing the names, ages and when entered. No notation as to who the parents, guardian, next of kin, best friend may have been. Said roll was kept part in ink and part in pencil. Said roll does not show any history in any case, or other notation other than certain roll numbers opposite certain names.)

Q At the time of your severance as Superintendent of said institution you retained this roll and there was none left for you successor? A No, sir.

Q When did you sever your connection with the Cherokee Orphan Home at Tahlequah, Oklahoma? A September 1, 1910.

Q You stated that at the time that you took charge as superintendent of the Cherokee Orphan Home at Tahlequah, Oklahoma, and after receiving the roll book before referred to as having been the only record surrendered to you by your predecessor as being the complete records as possessed by him of the children in said Orphanage, you made a record yourself? A Yes, sir. (Here record books is submitted) After being appointed Superintendent of the Cherokee Orphan Asylum I madea new roll of children in attendence, giving name, age, sex degree of blood and roll number.

Q Will you please show me the record of this James and Charles Bean, in whose matter of application for enrollment I have been interrogating you? A After finding out that James and Charles Bean were not enrolled as Cherokees their names were dropped from the roll and no record kept of said children, other than is shown in the record books already referred to and surrendered to me by my predecessor.

Q I find on page 56 of the record book, which you state was the record book of your predecessor as to the children in the Orphanage, the names of James Bean and Charles Bean, showing both of them to be of six years of age on September

5, 1909, by whom was said entries made? A They were made by myself.
Q Then you made entry of these children in the record book of your predecessor and not in the record book as made by you after having taken charge of said institution? A Yes, sir,
Q Why did you not make entry in the record book you made yourself after you had taken charge of said institution?
Q After findingthey were n t on the final Cherokee Roll, there was no allowance made except for those who were enrolled as Cherokee orphans by blood, and as these children were not enrolled as such, and being interested in them and desiring to keep them, and not being able to show them on my regular roll I kept the children at my own expense until my time expired as Superintendent, therefore, I did not enter their names on the roll made and kept by myself.
Q Are these children, James and Charles Bean now alive and living at the Cherokee Orphan Home? Yes, sir.
Q What,in your opinion, are their true ages? A Well, I judge James to be about eight years old and Charles about six years old.

James E. Kirk, being first duly sworn, testified as follows:

Q What is your name, age and post-office address?
A James E. Kirk; my age is forty-eight years; post-office Park Hill, Oklahoma.
Q Are you an enrolled Cherokee citizen? A No, sir.
Q What is your present occupation? A Superintendent of the Cherokee Orphan Training School at Tahlequah, Okla.
Q As such Superintendent have you in charge two minor Cherokee children James and Charles Bean? A Yes, sir.
Q What are their ages, if you know? A I should judge about six and eight years old, respectively.
Q Do you know anything about their parentage? A I don't.
Q Q Have you any record showing the history of the orphans in your institution? A I have not.
Q Do I understand you to say that you have no record of the orphan children in the Cherokee Orphan Home, of which you are Superintendent? A I have none, only such as I make, We enroll them; we get their ages, their sex and blood, and their parents names if they have any, and their guardian's name. That is the only record we have,-it does not go beyond this present term of school.
Q And this is a record that you have recently compiled yourself? A Yes, sir.
Q And the names of these children appear upon that roll?
A Yes, sir.
Q And is there any record showing who the parents were?
A No, sir; nothing to show.
Q These children, James and Charles Bean, are now alive?
A Yes, sir.
Q Do you know whether or not they have been enrolled as Cherokee citizens or not? A I don't know.
Q Have you ever made any effort to have them enrolled, or to see whether they were enrolled? A I supposed they were enrolled, but do not know whether they are or not.
Q Do you know whether they have a legal guardian or not?
A I don't know.
Q Have you ever conversed with anyone claiming to be their guardian or of kin to them? A No, sir.
Q Then, you don't know anything of their present history, or of any of the orphans who are at present in said school?
A No, sir.

Note: The above children were seen at the Cherokee Orphan Training school, and appeared to be of the age and

blood claimed.

W. H. Byrd, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

W. H. Byrd

Subscribed and sworn to before me this 3rd day of ~~December~~ January, 1911.

(SEAL)

R. P. Harrison

By P. A. Harrison, Deputy.

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M E M O R A N D U M.

Cher. J. 110.
Vide also Cher. J. 146

James Bean, an orphan, E. C. Cherokee Orphan Asylum at Tahlequah, Okla., on Eastern Cher. roll No. 4508, not on F. C. T. rolls, born Oct., 1902, still living. Nov. 17, 1910

Father -- Joe Bean, deceased Nov. 1905, Cher. roll No. 30478; full blood.

Mother -- Susanah Bean, deceased Oct. 1904, Cher. roll No. 30479; full blood.

Sister -- Nancy Bean, deceased, Cher. full blood No. 30480.

Brother -- John Bean, Cher. full blood roll No. 30481.

Brother -- Will Bean, Cher. full blood, roll No. 30482.

Sister -- Ollie Bean, Haskell Institute, Cher. full blood, roll No. 30483.

Sister -- Sallie Bean, Haskell Institute, Cher. full blood, roll No. 30484.

Charlie Bean, an illegitimate orphan child of Nancy Bean, deceased Cher. roll No. 30480, in Cherokee Orphan Asylum, Tahlequah, Okla., reputed father of the child is Alex. Downing, Cher. roll 15999, full blood child enrolled on Eastern Cher. roll No. 45091. Not on F. C. T. rolls. Born Sept., 1904.

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Cher. J. 140

MEMORANDUM

James Bean, enrolled No. 4508 on Eastern Cherokee roll, not on E. C. T. rolls.

Charles Bean (or Charley Downing) enrolled No. 4509 on Eastern Cherokee roll, not on E. C. T. roll.

P. O. Cherokee Orphanage Home at Tahlequah, Okla.

Father - Joe Bean, Cher. roll 30748, deceased.

Mother - Susannah Bean, Cher. roll No. 30479, deceased.

Brother - Ollie Bean Cher. roll 30483.

Sister - Sallie Bean, Cher. roll No. 30484.

No previous application.

Were entered at the Cherokee Orphanage House at Tahlequah, Okla., by Mr. Geo. W. Bailey of Hulbert, Okla. Children produced at the hearing and appeared to be of the age claimed, to wit:

James Bean, 8 years old and Charles Bean 6 years old

Witness - Magnus A. McSpadden of Tahlequah, Okla., Superintendent Cherokee Orphanage Home at Tahlequah where they were entered, and James E. Kirk, Park Hill, Okla., the present Superintendent who has the two minor orphans, James and Charles Bean under his charge.

Recommended that James Bean and Charles Bean be enrolled as minor Cherokees.

Cher 11030
James Bean

See 11029

Cher 11030

BIRTH AFFIDAVIT. 199

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DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the .....Nation,

of James S Bean, born on the .....day of October 1905
[Here insert name of child]

Name of Father: Joe Bean (deceased) a citizen of the Cherokee Nation. No. 30478

Name of Mother: Susannah Bean (dead) a citizen of the Cherokee Nation. No. 30479

Tribal enrollment of father Cher. full blood No. 30478 Tribal enrollment of mother Cher. full blood No. 30479

Postoffice Tahlequah, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma
Cherokee County, District. } willie P H Sid

Father & mother dead - Guardian must do any thing

I, ...on oath state that I am.....

years of age and a citizen by .....of the.....Nation;

that I am the lawful wife of .....who is a citizen, by

.....of the.....Nation; that a .....child was
[Male or Female]

born to me on.....day of.....1.....; that said child has been named

.....and was living March 4, 1906.

.....

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this.....day of.....1906.

.....
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma
Cherokee County, District. } No. 30471

I, Betsey Blossom Cher. full blood, a midwife, on oath state that I

attended on Susannah Bean (30479) wife of Joe Bean (30478)

on the ....day of October 1905; that there was born to her on said day a male
[Male or Female]

child; that said child was living March 4, 1906, and is said to have been named James Bean and is

now living and is at the Orphan Asylum near Tahlequah and Betsey Blossom

SIGNATURE TO MARK: George Reed, Assistant Librarian, Dawes Commission

[Must be Two Witnesses] { R. L. Taylor, Westville, Okla.

Subscribed and sworn to before me this 17th day of November 1906

R. P. Harrison - clerk

By [illegible] - deputy

Notary Public.

M E M O R A N D U M.

OFFICE OF INDIAN AFFAIRS
ARCHIVES
JUL 24 1913

Cher. J. 110.
Vide also Cher. J. 140.

9085 1906

James Bean, an orphan, P. O. Cherokee Orphan Asylum at Tahlequah, Okla., on Eastern Cher. roll No. 4508, not on F. C. T. rolls, born Oct., 1902, still living. Nov 17 1910

Father -- Joe Bean, deceased Nov. 1905, Cher. roll No. 30478; full blood.

Mother -- Susanah Bean, deceased Oct. 1904, Cher. roll No. 30479; full blood.

Sister -- Nancy Bean, deceased, Cher. full blood No. 30480.

Brother -- John Bean, Cher. full blood roll No. 30481.

Brother -- Will Bean, Cher. full blood, roll No. 30482.

Sister -- Ollie Bean, Haskell Institute, Cher. full blood, roll No. 30483.

Sister -- Sallie Bean, Haskell Institute, Cher. full blood, roll No. 30484.

Charlie Bean, an illegitimate orphan child of Nancy Bean, deceased Cher. roll No. 30480, in Cherokee Orphan Asylum, Tahlequah, Okla., reputed father of the child is Alex. Downing, Cher. roll 15999, full blood child enrolled on Eastern Cher. roll No. 45091. Not on F. C. T. rolls. Born Sept., 1904.

90635
OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913

Department of the Interior.
Commission to the Five Civilized Tribes.
December 3, 1910.

In Re Application for Enrollment as citizens of the Cherokee Nation of James Bean and Charles Downing, as shown upon the Eastern Cherokee Roll opposite numbers 4508 and 4509, respectively, and not shown upon the Rolls of the Five Civilized Tribes

---

Magnus A. McSpadden, being first duly sworn, testified as follows:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q What is your name, age and post-office address?
A Magnus A. McSpadden; age 41 years; Tahlequah, Oklahoma.
Q Are you an enrolled Cherokee citizen? A No, sir.
Q Do you know a minor child by the name of James Bean?
A Yes, sir.
Q Do you know a minor child by the name of Charley Downing?
A Yes, sir.
Q Please state how and under what circumstances you know these minor Cherkee citizens.
A Well, during the years 1909 and 1910, I had charge of the Cherokee Orphange at Tahlequah, and on or about the 5th day of September, 1909, James Bean and Charley Downing were entered at the Cherokee Orphanage by George Bailey, of Hulbert, Oklahoma, as their guardian.
Q Have you a record of the entry of these children, showing their names and ages and parentage, and whether or not those parents were then living or not? A I have a record of their names and ages, but not of their parents; they were represented to me to be orphan children. Joe Bean was the father and Susana Bean with-they were the parents of James Bean--my memory is not clear as to what Mr. Bailey said.
Q At the time of the entry of these children was any entry made of their respective ages? A Yes, of their age.
Q Then as to the parentage of the children your statements are made upon the statements made by Mr. and Mrs. Bailey? A Yes.
Q Did Mr. or Mrs. Bailey claimed to be of any relationship to these children? A Yes.
Q What did they represent to you? A Mrs. Bailey represented to me that she was the aunt of these children.
Q What was this Mrs. Bailey's name in full, if you can give it? A I can't recall it in full,--Mrs. George Bailey, of Hulbert.
Q Can you recall the mention of the name of Alexander or Nancy Bean at the time of the entry of these children in the Orphanage by Mr. Bailey? A No, sir, I can't.

Q Do you know of your own knowledge or can you recall any conversation had by you with anyone whereby the parentage of these children was referred to other than what you have already stated? A No, sir, I can't. Only what Mrs.Bailey said to me. On or about September 5, 1906, Bailey brought four children to enter as students at the Cherokee Orphan Asylum, Ollie Bean, Sallie, James and Charles Bean, and represented to me that they were all of the same family, and all enrolled as Cherokee citizens, but upon investigation I found that only two of the children, Ollie and Sallie Bean, were on the Cherokee Rolls, and that James and Charley Bean were not.
Q Did you ever make application or any effort to have James and Charley Bean enrolled as Cherokee citizens after you discovered the fact that they had not been enrolled as such? A No, sir; I made application to the Supervisor of Cherokee schools of the Five Civilized Tribes to be permitted to retain these two children, James and Charley, although same were not enrolled as Cherokee citizens, and I kept them there at my own expense, as I was Superintendent under contract.
Q Why, after discovering that the said James and Charles Bean were not enrolled did you not, as Superintendent of said Orphanage having said children in charge and knowing same were not enrolled, did you not make application for their enrollment? A After I found that James and Charles Bean were not enrolled I called the attention of Mr. Bailey to the matter and asked him to take some steps towards placing them on the Roll. I also called the attention of Mr. Lipps to the matter, and he also advised me to see Mr.Bailey and get the matter in proper shape to have them enrolled. I did as requested, calling Mr. Bailey's attention to the matter and what steps Mr. Bailey took in the matter I am not aware.
Q Do I understand you to say that there was no Departmental records as to the inmates of this Cherokee Orphan Home?
A No, sir; nothing more than a roll.
Q You say roll, what do you mean by roll? A I mean that we kept a roll of A l the children entering the Orphan Asylum, also the degree of blood and roll numbers of each.
Q Where is that record that you speak of, a call a roll, is that kept at the Orphanage? A No, sir; that is only a roll that I made of my own
Q Then, is it a fact that at the time that you took charge of the Cherokee Orphanage at Tahlequah that there was no records as to the inmates, their parentage, their entry, or of their leaving the school, same being a part of the institution? A No, sir; there was no other roll except a roll showing the time of their entries kept by my predecessor.
Q Then, there was no complete history kept by X of the several orphans at the Orphanage as to their parentage and kin people? A No, sir; not that I know of.
Q Then this (Referring to a large book) is the only record as to any of the orphans at the Cherokee Orphanage Home at Tahlequah, while you were Superintendent? A Yes, sir.
(The roll referred to is marked "Roll for school year 1905, 1906, 1907, 1908, and 1909. Said roll shewing the names, ages and when entered. No notation as to who the parents,

guardian, next of kin, best friend may have been. Said roll was kept part in ink and part in pencil. Said roll does not show any history in any case, or other notation other than certain roll numbers opposite certain names)
Q At the time of your severance as Superintendent of said institution you retained this roll and there was none left for you successor? A No, sir.
Q When did you sever your connection with the Cherokee Orphan Home at Tahlequah, Oklahoma? A September 1, 1910.
Q You stated that at the time that you took charge as superintendent of the Cherokee Orphan Home at Tahlequah, Oklahoma, and after receiving the roll book before referred to as having been the only record surrendered to you by your predecessor as being the complete records as possessed by him of the children in said Orphanage, you made a record yourself? A Yes, sir. (Here record books is submitted) After being appointed Superintendent of the Cherokee Orphan Asylum I made a new roll of children in attendance, giving name, age, sex degree of blood and roll number.
Q Will you please show me the record of this James and Charles Bean, in whose matter of application for enrollment I have been interrogating you? A After finding out that James and Charles Bean were not enrolled as Cherokees their names were dropped from the roll and no record kept of said children, other than is shown in the record books already referred to and surrendered to me by my predecessor.
Q I find on page 56 of the record book, which you state was the record book of your predecessor as to the children in the Orphanage, the names of James Bean and Charles Bean, showing both of them to be of six years of age on September 5, 1909, by whom was said entries made? A They were made by myself.
Q Then you made entry of these children in the record book of your predecessor and not in the record book as made by you after having taken charge of said institution? A Yes, sir.
Q Why did you not make entry in the record book you made yourself after you had taken charge of said institution?
A After finding they were not on the final Cherokee Roll, there was no allowance made except for those who were enrolled as Cherokee orphans by blood, and as these children were not enrolled as such, and being interested in them and desiring to keep them, and not being able to show them on my regular roll I kept the children at my own expense until my time expired as Superintendent, therefore, I did not enter their names on the roll made and kept by myself.
Q Are these children, James and Charles Bean now alive and living at the Cherokee Orphan Home? Yes, sir.
Q What, in your opinion, are their true ages? A Well, I judge James to be about eight years old and Charles about six years old.

James E. Kirk, being first duly sworn, testified as follows:

Q What is your name, age and post-office address?
A James E. Kirk; my age is forty-eight years; post-office Park Hill, Oklahoma.
Q Are you an enrolled Cherokee citizen? A No, sir.
Q What is your present occupation? A Superintendent of the Cherokee Orphan Training School at Tahlequah, Okla.
Q As such Superintendent have you in charge two minor Cherokee children James and Charles Bean? A Yes, sir.
Q What are their ages, if you know? A I should judge about six and eight years old, respectively
Q Do you know anything about their parentage? A I don't.
Q Q Have you any record showing the history of the orphans in your institution? A I have not.
Q Do I understand you to say that you have no record of the orphan children in the Cherokee Orphan Home, of which you are Superintendent? A I have none, only such as I make. We enroll them; we get their ages, their sex and blood, and their parents names if they have any, and their guardian's name. That is the only record we have,- it does not go beyond this present term of school.
Q And this is a record that you have recently compiled yourself? A Yes, sir.
Q And the names of these children appear upon that roll?
A Yes, sir.
Q And is there any record showing who the parents were?
A No, sir; nothing to show.
Q These children, James and Charles Bean, are now alive?
A Yes, sir.
Q Do you know whether or not they have been enrolled as Cherokee citizens or not? A I don't know.
Q Have you ever made any effort to have them enrolled, or to see whether they were enrolled? A I supposed they were enrolled, but do not know whether they are or not.
Q Do you know whether they have a legal guardian or not?
A I don't know.
Q Have you ever conversed with anyone claiming to be their guardian or of kin to them? A No, sir.
Q Then you don't know anything of their present history, or of any of the orphans who are at present in said school?
A No, sir.

Note: The above children were seen at the Cherokee Orphan Training School, and appeared to be of the age and blood claimed.

W. H. Byrd, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me this [illegible] day of December, 1902.

R. P. HARRISON

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
20685

Cher. J. 140

MEMORANDUM.

James Bean, enrolled No. 4508 on Eastern Cherokee roll, not on F. C. T. rolls.

Charles Bean (or Charley Downing) enrolled No. 4509 on Eastern Cherokee roll, not on F. C. T. roll.

P. O. Cherokee Orphanage Home at Tahlequah, Okla.

Father - Joe Bean, Cher. roll 30748, deceased.

Mother - Susannah Bean, Cher. roll No. 30479, deceased.

Brother - Ollie Bean Cher. roll 30483.

Sister - Sallie Bean, Cher. roll No. 30484.

No previous application.

Were entered at the Cherokee Orphanage Home at Tahlequah, Okla., by Mr. Geo. W. Bailey of Hulbert, Okla. Children produced at the hearing and appeared to be of the age claimed, to wit:

James Bean, 8 years old and Charles Bean 6 years old

Witness - Magnus A. McSpadden of Tahlequah, Okla., Superintendent Cherokee Orphanage Home at Tahlequah where they were entered, and James E. Kirk, Park Hill, Okla., the present Superintendent who has the two minor orphans, James and Charles Bean under his charge.

Recommended that James Bean and Charles Bean be enrolled as minor Cherokees.

90635

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as Cherokee Citizens, of James and Charlie Bean.

PROCEEDINGS had at Hulbert, Oklahoma, November 17th, 1910, by Mr. George Reed, on behalf of the Commissioner.

Interpreted by R. L. Taylor, Indian Policeman, of Westville, Okla.

Examination by Mr. Reed:

Sarah E. Bailey being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Sarah E. Bailey, age 39 years old; P.O., Hulbert, Okla.
Q Were you well acquainted with Joe and Susana Bean during their life time? A Yes; Susana partly raised me.
Q When did Joe Bean Die? A Two years ago this month., in 1908.
Q When did Susana Bean Die? A Two years ago last month, in 1908.
Q Did Joe and Susana Bean have children named John, Will, Ollie and Sallie? A Yes.
Q Were the parents of all these children named enrolled as Cherokee Citizens? A Yes.
Q Were there any children of these parents not enrolled? A Yes; James and Charlie.
Q Who is the father and mother of James? A Joe and Susana Bean.
Q Do you know how old James Bean is? A I don't exactly know, but this woman, Betsy Blossom, says 8 years old next Oct.
Q Who is the mother ofCharlie? A Nannie Bean, a daughter of Joe and Susana Bean; and Alex. Downing is the father.
Q How old is Charlie? A He is about six years old.
Q Was Alex. Downing and Nancy Bean lawfully married? A Alex. got out the license but Nancy died before they were married.
Q Was Charlie born before they concluded to get married? A Yes.
Q Was Nancy Bean an enrolled Cherokee Citizen? A Yes. (See F.C.R.# 30480)
Q Where are these two children, James and Charlie, now?
A In the Cherokee Orphan Assylum at Tahlequah.
Q Are there any brothers or sisters of them there with them? A Yes; Sallie and Ollie, and their brothers are at the Haskell Institute at Lawrence, Kans.
Q How long have James and Charlie been at the Orphans Assylum at Tahlequah? A I think there a year ago last September.
Q How long have you had to care for these children? A Since 1908.
Q Do you know if their parents ever applied for their enrollment? A They never applied because they were opposed to enrollment and allottment.
Q Did Charlie ever take thename of his father? A No; because Joe and Susana took him when he was six months old and raised him.
Q Is the mother of Charlie Bean dead? A Yes.
Q When did she die? A About six years ago, Charlie was only six months old when she died.

Betsy Blossom being first duly sworn testifies as follows:

Q What is your name, age and Post Office? A Betsy Blossom, am about 65 years old; P.O., Hulbert, Okla.
Q Did you know Joe and Susana Bean? A Yes.
Q Are they now dead? A Yes.
Q Give me the members of the family that you know have been enrolled? A Joe, Susana, Nancy, John, Will, Ollie, andSallie.
Q Give me the names of any children of that family that have not been enrolled? if you know? A James and Charlie.
Q Who is the mother of James? A Susana.
Q Who is the father? A Joe.
Q How old is James now? A About eight years old.
Q What year, month and day? A Oct. about eight years ago.
Q Who is the mother of Charlie? A Nancy Bean.
Q Who is the father of Charlie? A Alex. Downing.
Q When was Charlie born? A In September five years ago.
Q Did you wait on the mother when James and Charlie were born? A Yes.
Q Where are James and Charlie now? A At the Orphans Assylum, at Tahlequah.
Q When did you see them last? A About two months ago.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed andswhor to before me on this 11th day of January, 1911.

R. P. Harrison, Clerk.

By Frank Harris
Deputy.

Cher 11031

Hattie Keener

Cher 11031

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, of Oscar Hair, Hattie Keener, and Nannie Bigfeather, who appear upon the Eastern Cherokee Roll opposite Nos.5033, 5034 and 5035, and are shown to be not upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had at Hulbert, Oklahoma, November 22, 1910, by Mr. George Reed, on behalf of the Commissioner.

Interpreted by R.L.Taylor, Indian Policeman, Westville, Okla.

Examination by Mr. Reed:

John Bigfeather being first duly sworn, testifies as follows:

Q State yourname, age and Post office address? A John Bigfeather, age about 47 years old; P.O., Hulbert, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes; full blood. (See F.C.R.#18260)
Q Do you know one Oscar Hair? A Yes.
Q Who is he? A Theson of my wife Polly Bigfeather; his father is John Hair.
Q How old is Oscar Hair? A He was born in October 1903.
Q Where is Oscar Hair now? A In Jail, in Tahlequah.
Q Have you any bible or beod record of the birth of this Oscar Hair? A No; we just know it from memory.
Q Do you know if any application forthe enrollment of Oscar Hair has been made heretofore for him? A I don't think so; I don't know.
Q Is John Hair, the father of Oscar Hair, living now? A Yes.
Q Where at? A Near Moody.
Q Where does Oscar Hair live when at home? A Here with his mother, my wife.
Q Is John Hair a Cherokee Indian Citizen? A Yes; he is a full blood.
Q Was Polly Bigfeather and john Hair ever married? A No; but just lived together like Cherokee marriage.
Q Do you know the enrollment numbers of your wife and John Hair? A No; I am enrolled and have land, so has Polly, my wife.
Q Who was present when Oscar Hair was born, if you know? A No one, Polly says.
Q Do you know one Hattie Keener? A Yes; she is the daughter of my wife by Joseph Keener.
Q Is Joseph Keener a Cherokee Citizen? A Yes. (See F.C.R.#16427)
Q Was Joseph Keener and Polly Bigfeather ever married? A No; just lived together.
Q Has Hattie any brothers or sisters of the same father and mother? A Just one brother.
Q What is his name? A Heavy Keener.
Q Is he sometimes known as Henry Keener? A Yes.
Q Where is he now? A Living with Jesse Dirteoiler, near Jay, Okla.
Q How old is Hattie Keener now? A About nine years old.
Q When was she born? A Aug. 22, 1901.

Q How old is Heavy Keener? A About 21 years old.
Q When was Heavy Keener born? A In 1889; I don't remember the month.
Q Have you a book or Bible record of the date of the birth of these children? A We have of the birth of Hattie and Nancy but not of Heavy. He was her first born child and no record was kept of him and Oscar Hair, but there was of the other following children.
Q Where is Heavy and Hattie Keener now living? A Heavy Keener was living with his father, Joseph Keener, near Locust Grove; Joe took Heavy. Joe died last year and Heavy went to live with Jesse Dirt-seller, near Jay, Okla. where he is now. Hattie is here living with her mother and me.
Q Please let me see the record you say you have of the birth of Hattie and Nannie? A Here is a copy I made; the book is over at my place on the prairie. (Here witness submits a paper.)
Q What is this? A A copy of the date of the birth of Hattie Keener and Nannie Bigfeather.
Q Who was present when Heavy Keener was born? A Sarah Hider.
Q Who was present when Hattie Keener was born? A Sarah Hider.
Q Have you ever, or has any one else ever made application for the enrollment of Hattie Keener with the Dawes Commission? A None for Hattie that I know of.
Q Why not? A I don't know.
Q Is Hattie Keener now alive? A Yes; she is here with me.
Q Who is this Nannie Bigfeather you mentioned? A She is my daughter by Polly Bigfeather.
Q How old is she? A About seven years old.
Q When was Nannie born? A June 10, 1903.
Q Is this the same Nannie referred to in this record you have submitted as to the date of the birth of Hattie Keener? A Yes.
Q Where is the original record? A Like I told you; at my place on the prairie. I thought a copy would do just as well.
Q Is this an absolutely true copy of that record? A Yes.
Q Have you made application heretofore for the enrollment of Nannie Bigfeather? A No; I did not bother.
Q Why? A Because I didn't believe in it and didn't want it. A man named Jess Wofford came around and took all our names and the names of all the rest of the children in the neighborhood and all around the country and said he was working for the Dawes Commission and that they had sent him out to get these names for the purpose of enrolling these children, but I never heard anything more about it and didn't inquire about it.
Q Do you not believe in the enrollment and allottments? A I guess so; I have to I guess.
Q Is that the same reason you didn't apply for the enrollment of Oscar Hair, Hattie Keener and this child, Nannie Bigfeather? your wife's children? A Yes.

Polly Bigfeather being first duly sworn testifies as follows:
Q State yourname, age and Post Office address? A Polly Bigfeather; about 40 years old; P.O., Hulbert, Okla.
Q Are you the mother of Heavy Keener, Oscar Hair, Hattie Keener and Nannie Bigfeather? A Yes.
Q Are you an enrolled Cherokee Citizen? A Yes; a full blood. (See F.C.R.#18261.)
Who is the father of Heavy Keener? A Joseph Keener. (See F.C.R.#16687.)
Q Who is the father of your daughter Hattie Keener? A Same man, Joseph Keener.
Q Were you married to Joseph Keener? A I lived with him like all Cherokees do.
Q

Q Who is the father of Oscar Hair? A John Hair.
Q Is he an enrolled Cherokee? A Yes; a full blood. (See F.C.R.# 18260.)
Q Were you and John Hair Married? A No; we lived together for a while and then Oscar was born, then we separated.
Q Who is the father of your daughter Nannie Bigfeather? A John Bigfeather, the man I now live with.
Q Are you married to John Bigfeather? A Yes; like all Cherokees.
Q How old is Heavy Keener? A About 21 years old.
Q When was he born? A I don't remember the month, in 1889.
Q Who was present when Heavy was born? A Sarah Hider.
Q Any Doctor? A No.
Q When was Oscar Hair born? A In October, 1893; I don't remember the day.
Q Who was present when Oscar Hair was born? A No one, I had him alone.
Q When was Hattie Keener born? A Aub. 22, 1901.
Q Who was present when Hattie was born? A Sarah Hider.
Q When was Nannie Bigfeather born? A June 10, 1903.
Q Who was present when Nannie was born? A Sarah Hider.
Q Have you an book record of the dates of the birth of your children? A Yes; of Nannie andHattie, but not of the older boys.
Q Where is that record? A My husband, John Bigfeather, has it. (See record submitted by John Bigfeather.)
Q Have you or any one else made application for these children to be enrolled? A I do not know; I don't believe in it. But Jesse Wofford came to our house one day and we talked it over; I do not know what he did about it, we never heard any more about it. He just told us that he had been sent by the Dawes Commission and that he was taking the names of all the children who had not been put on the Rolls.

Sarah Hider being first duly sworn testifies as follows.
Q State your name, age and Post office address? A Sarah Hider; I am about 60 years old and my Post Office address is Hulbert, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#17783.)
Q Do you know Polly Bigfeather, a Cherokee Indian Woman? A Yes.
Q Do you know Hattie Keener? A Yes; she is Heavy Keener's sister.
Q A Same father and mother? A Yes.
Q Was you present when she was born? A No; I came there a day or two afterward.
Q How old is Hattie? A About nine years old; I do not knowthe month or year when she was born.
Q Where is Hattie Keener now, if you know? A She is living with John and Polly Bigfeather, her mother.
Q Do you know Oscar Hair? A Yes; he is a son of Polly Bigfeather and john hair is his father.
Q How old is Oscar Hair, if you know? A I do not know; he is a big boy.
Q Where is he now? is he alive? A Yes; here in jail at Tahlequah.
Q Where does he live? A Sometimes with John Bigfeather, sometimes all around.
Q Was you present when he was born? A No; I do not know anything about that.
Q Do you know Nannie Bigfeather? A Yes.

Q Who is she? A The daughter of John and Polly Bigfeather.
Q How old is Nannie? A About seven years old.
Q Was you present when she was born? A Yes; that is I came there after she was born about a week.

Hattie and Nannie were present and appeared to be of the blood and age claimed.

W. E. Folts, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Folts

Subscribed and sworn to before me on this 12th day of January, 1911.

R. P. Harrison, Clerk,
By Edward Merrell
Deputy.

THE SUPERINTENDENT
FOR THE FIVE CIVILIZED TRIBES

Make all remittances payable to
W. M. BAKER, Cashier

Local Offices

Vinita.	Idabel.
Jay.	Hugo.
Nowata	McAlester.
Sapulpa.	Holdenville
Okmulgee.	Atoka.
Muskogee.	Madill.
Tahlequah.	Ardmore
Sallisaw.	Chickasha
Pryor	Paulsvalley

Department of the Interior.

United States Indian Service.

Muskogee, Oklahoma, [illegible]

Ellen Bigfeather, Born June 10. 1903=
7 years old.

Edd Vann, Born August 21 1901.
7 years old.

OF INDIAN AFF
RECEIVED
JUL 24 1913
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MEMORANDUM.

Cher.J. 117.

a. Oscar Hair, P.O., Hulbert, Oklahoma, born illegitimate in October, 1893, on Eastern Cherokee Roll No.5033, not on Five Civilized Tribes Rolls.

Father - John Hair, Cherokee full-blood Roll No.18244.

Mother - Polly Bigfeather, Cherokee full-blood No.18261, now the wife of John Bigfeather, Cherokee roll No.18260.

Recommend further investigation whether Oscar Hair is not already enrolled at 18246, 9 years old, full-blood, same age as applicant.

b. Hattie Keener, on Eastern Cherokee Roll No.5034, P.O., Hulbert, Oklahoma, born August 22, 1901, an illegitimate.

Father - Joseph Keener, Cherokee full-blood, Roll.No.16487.

Mother - Polly Bigfeather, Cherokee full-blood, Roll No. 18261.

c. Nancy Bigfeather, on Eastern Cherokee Roll No. 5035, born June 10, 1903.

Father - John Bigfeather, Cherokee full-blood, Roll No. 18260.

Mother - Polly Bigfeather, Cherokee full-blood, Roll.No. 18261.

Witnesses, John Bigfeather and Polly Bigfeather, the mother of three above named children and Sarah Hider of Hulbert, Oklahoma.

Recommended that Hattie Keener and Nancy Bigfeather be enrolled as minor Cherokee full-bloods and that investigation be made as to whether Oscar Hair is not identical with Oscar Hair, Cherokee Roll No.18246.

All Lemmy Nov 22, 1910

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1826 - 7762

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 21 1906
90635

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Oscar Hair [Here insert name of child] born on the — day of October 1893.

Name of Father: John Hair a citizen of the Cherokee Nation.

Name of Mother: Polly Bigfeather a citizen of the Cherokee Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Hulbert, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Cherokee County District.

I, Polly Bigfeather, on oath state that I am about 40 years of age and a citizen by blood of the Cherokee Nation No. 18760 that I am the lawful wife of John Bigfeather, who is a citizen, by blood, of the Cherokee Nation No. 18760, that a male child was born to me on — day of October 1893; that said child has been named Oscar Hair and was living March 4, 1906, and is still living.

her
Polly X Bigfeather
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Newton St. Washington D.C.
R. L. Taylor Mustille Ok

Subscribed and sworn to before me this 2nd day of November 1906

R. P. Newman Clerk
By A. Miller
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Cherokee County. District.

I, ..., a ....., on oath state that I attended on ....., wife of ....., on the ..... day of ....., 1....., that there was born to her on said date a ..... [Male or Female] child; that said child was living March 4, 1906, and is said to have been named .....

.....

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this ..... day of ....., 1906.

.....
Notary Public.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR 90635 RECEIVED OF INDIAN AFFAIRS DEC 2 1913

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Hattie Keener, born on the 22 day of August 1901
[Here insert name of child]

Name of Father: Joseph Keener a citizen of the Cherokee Nation No. 16487

Name of Mother Polly Bigfeather a citizen of the Cherokee Nation No. 18261

Tribal enrollment of father Cher. Full B. No. 16487 Tribal enrollment of mother Cher. Full B. No. 18261

Postoffice

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma
Cherokee County District.

I, Polly Bigfeather, on oath state that I am about 40 years of age and a citizen by blood of the Cherokee Nation No. 18261 that I am the lawful wife of John Bigfeather, who is a citizen, by Blood of the Cherokee Nation no. 18260; that a female child was born to me on 22 day of August 1901.; that said child has been named Hattie Keener, the daughter of Joseph Keener No. 16487 who was living and was living March 4, 1906, and is still living and present with me.

her
Polly X Bigfeather
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Newton St. Washington D.C.
R. L. Taylor Westville ok

Subscribed and sworn to before me this 22nd day of November 1906

R. P. Harrison — Clerk
By Sellers. Deputy — Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma
Cherokee County District.

I, Sarah Snyder a midwife on oath state that I attended on Polly Bigfeather, wife of John Bigfeather a few days after the birth of live child; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Hattie Keener and is living with her mother Polly Bigfeather.

her
Sarah X Snyder
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { R. L. Taylor Westville OK

Subscribed and sworn to before me this 22nd day of November 1906

R. P. Harrison — Clerk
By Sellers. Deputy — Notary Public.

DEPARTMENT OF INTERIOR
RECEIVED
JUL 22 1913
90635

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Nannie Bigfeather [Here insert name of child] born on the 10th day of June 1903

Name of Father: John Bigfeather a citizen of the Cherokee Nation No. 18260

Name of Mother: Polly Bigfeather a citizen of the Cherokee Nation No. 18261

Tribal enrollment of father Cherokee Full Blood No. 18260 Tribal enrollment of mother Cherokee Full Blood No. 18261

Postoffice Hulbert, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma.

Cherokee County. District. }

I, Polly Bigfeather, on oath state that I am about 40 years of age and a citizen by blood, of the Cherokee Nation No. 18261 that I am the lawful wife of John Bigfeather, who is a citizen, by blood, of the Cherokee Nation No. 18260; that a female child was [Male or Female]

born to me on 10th day of June 1903; that said child has been named Nannie Bigfeather and was living March 4, 1906 and is still living and present with me. Polly X Bigfeather mark

WITNESSES TO MARK:

[Must be Two Witnesses] { Horace Reed 1488 Kendall St Washington D.C.
R. L. Taylor Westville Okla

Subscribed and sworn to before me this 22nd day of November 1906

R. P. Harrison - Clerk
By [illegible] - Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma

Cherokee County. District. }

I, Sarah Hayden a midwife on oath state that I attended on Polly Bigfeather wife of John Bigfeather a few days after the birth of her child named Nannie Bigfeather [Here name sex of child] child; that said child was living March 4, 1906, and is said to have been named Nannie Bigfeather and is now living with her mother, Polly Bigfeather. for Sarah Hayden

WITNESSES TO MARK:

[Must be Two Witnesses] { Horace Reed 1488 Kendall St Washington D.C. mark
R. L. Taylor Westville Okla

Subscribed and sworn to before me this 22nd day of November 1906

R. P. Harrison - Clerk
By [illegible] Deputy Notary Public.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 21 1913
90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, of Oscar Hair, Hattie Keener, and Nannie Bigfeather, who appear upon the Eastern Cherokee Roll opposite Nos.5033, 5034 and 5035, and are shown to be not upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had at Hulbert, Oklahoma, November 22, 1910, by Mr. George Reed, on behalf of the Commissioner.

Interpreted by R.L.Taylor, Indian Policeman, Westville, Okla.

Examination by Mr. Reed:

John Bigfeather being first duly sworn, testifies as follows:

Q State yourname, age and Post office address? A John Bigfeather, age about 47 years old; P.O., Hulbert, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes; full blood. (See F.C.R.#18260)
Q Do you know one Oscar Hair? A Yes.
Q Who is he? A Theson of my wife Polly Bigfeather; his father is John Hair.
Q How old is Oscar Hair? A He was born in October 1893.
Q Where is Oscar Hair now? A In Jail, in Tahlequah.
Q Have you any bible or book record of the birth of this Oscar Hair? A No; we just know it from memory.
Q Do you know if any application forthe enrollment of Oscar Hair has been made heretofore for him? A I don't think so; I don't know.
Q Is John Hair, the father of Oscar Hair, living now? A Yes.
Q Where at? A Near Moody.
Q Where does Oscar Hair live when at home? A Here with his mother, my wife.
Q Is John Hair a Cherokee Indian Citizen? A Yes; he is a full blood.
Q Was Polly Bigfeather and john Hair ever married? A No; but just lived together like Cherokee marriage.
Q Do you know the enrollment numbers of your wife and John Hair? A No; I am enrolled and have land, so has Polly, my wife.
Q Who was present when Oscar Hair was born, if you know? A No one, Polly says.
Q Do you know one Hattie Keener? A Yes; she is the daughter of my wife by Joseph Keener.
Q Is Joseph Keener a Cherokee Citizen? A Yes. (See F.C.R.#14687)
Q Was Joseph Keener and Polly Bigfeather ever married? A No; just lived together.
Q Has Hattie any brothers or sisters of the same father and mother? A Just one brother.
Q What is his name? A Henry Keener.
Q Is he sometimes known as Henry Keener? A Yes.
Q Where is he now? A Living with Jesse Dirteeller, near Jay, Okla.
Q How old is Hattie Keener now? A About nine years old.
Q When was she born? A Aug. 22, 1901.

Q How old is Heavy Keener? A About 21 years old.
Q When was Heavy Keener born? A In 1889; I don't remember the month.
Q Have you a book or Bible record of the date of the birth of these children? A We have of the birth of Hattie and Nancy but not of Heavy. He was her first born child and no record was kept of him and Oscar Hair, but there was of the other following children.
Q Where is Heavy and Hattie Keener now living? A Heavy Keener was living with his father, Joseph Keener, near Locust Grove; Joe took Heavy. Joe died last year and Heavy went to live with Jesse Dirt-seller, near Jay, Okla. where he is now. Hattie is here living with her mother and me.
Q Please let me see the record you say you have of the birth of Hattie and Nannie? A Here is a copy I made; the book is over at my place on the prairie. (Here witness submits a paper.)
Q What is this? A A copy of the date of the birth of Hattie Keener and Nannie Bigfeather.
Q Who was present when Heavy Keener was born? A Sarah Hider.
Q Who was present when Hattie Keener was born? A Sarah Hider.
Q Have you ever, or has any one else ever made application for the enrollment of Hattie Keener with the Dawes Commission? A None for Hattie that I know of.
Q Why not? A I don't know.
Q Is Hattie Keener now alive? A Yes; she is here with me.
Q Who is this Nannie Bigfeather you mentioned? A She is my daughter by Polly Bigfeather.
Q How old is she? A About seven years old.
Q When was Nannie born? A June 10, 1903.
Q Is this the same Nannie referred to in this record you have submitted as to the date of the birth of Hattie Keener? A Yes.
Q Where is the original record? A Like I told you; at my place on the prairie. I thought a copy would do just as well.
Q Is this an absolutely true copy of that record? A Yes.
Q Have you made application heretofore for the enrollment of Nannie Bigfeather? A No; I did not bother.
Q Why? A Because I didn't believe in it and didn't want it. A man named Jess Wofford came around and took all our names and the names of all the rest of the children in the neighborhood and all around the country and said he was working for the Dawes Commission and that they had sent him out to get these names for the purpose of enrolling these children, but I never heard anything more about it and didn't inquire about it.
Q Do you not believe in the enrollment and allottments? A I guess so; I have to I guess.
Q Is that the same reason you didn't apply for the enrollment of Oscar Hair, Hattie Keener and this child, Nannie Bigfeather? your wife's children? A Yes.

Polly Bigfeather being first duly sworn testifies as follows:
Q State your name, age and Post Office address? A Polly Bigfeather; about 40 years old; P.O. Hulbert, Okla.
Q Are you the mother of Heavy Keener, Oscar Hair, Hattie Keener and Nannie Bigfeather? A Yes.
Q Are you an enrolled Cherokee Citizen? A Yes; a full blood. (See P.C.R.#18261.)
Who is the father of Heavy Keener? A Joseph Keener. (See P.C.R.#18267.)
Q Who is the father of your daughter Hattie Keener? A Same man, Joseph Keener.
Q Were you married to Joseph Keener? A I lived with him like all Cherokees do.
Q

Q Who is the father of Oscar Hair? A John Hair.
Q Is he an enrolled Cherokee? A Yes; a full blood. (See F.C.R.# 18260.)
Q Were you and John Hair Married? A No; we lived together for a while and then Oscar was born, then we separated.
Q Who is the father of your daughter Nannie Bigfeather? A John Bigfeather, the man I now live with.
Q Are you married to John Bigfeather? A Yes; like all Cherokees.
Q How old is Heavy Keener? A About 21 years old.
Q When was he born? A I don't remember the month, in 1889.
Q Who was present when Heavy was born? A Sarah Hider.
Q Any Doctor? A No.
Q When was Oscar Hair born? A In October, 1893; I don't remember the day.
Q Who was present when Oscar Hair was born? A No one, I had him alone.
Q When was Hattie Keener born? A Aub. 22, 1901.
Q Who was present when Hattie was born? A Sarah Hider.
Q When was Nannie Bigfeather born? A June 10, 1903.
Q Who was present when Nannie was born? A Sarah Hider.
Q Have you an book record of the dates of the birth of your children? A Yes; of Nannie andwattie, but not of the older boys.
Q Where is that record? A My husband, John Bigfeather, has it. (See record submitted by John Bigfeather.)
Q Have you or any one else made application for these children to be enrolled? A I do not know; I don't believe in it. But Jesse Wofford came to our house one day and we talked it over; I do not know what he did about it, we never heard any more about it. He just told us that he had been sent by the Dawes Commission and that he was taking the names of all the children who had not been put on the Rolls.

Sarah Hider being first duly sworn testifies as follows.
Q State your name, age and Post office address? A Sarah Hider; I am about 60 years old and my Post Office address is Hulbert, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#17783.)
Q Do you know Polly Bigfeather, a Cherokee Indian Woman? A Yes.
Q Do you know Hattie Keener? A Yes; she is Heavy Keener's sister.
Q A Same father and mother? A Yes.
Q Was you present when she was born? A No; I came there a day or two afterward.
Q How old is Hattie? A About nine years old; I do not knowthe month or year when she was born.
Q Where is Hattie Keener now, if you know? A She is living with John and Polly Bigfeather, her mother.
Q Do you know Oscar Hair? A Yes; he is a son of Polly Bigfeather and john hair is his father.
Q How old is Oscar Hair, if you know? A I do not know; he is a big boy.
Q Where is he now? is he alive? A Yes; here in jail at Tahlequah.
Q Where does he live? A Sometimes with John Bigfeather, sometimes all around.
Q Was you present when he was born? A No; I do not know anything about that.
Q Do you know Nannie Bigfeather? A Yes.

Q who is she? A The daughter of John and Polly Bigfeather.
Q How old is Nannie? A About seven years old
Q Was you present when she was born? A Yes; that is I came there after she was born about a week.

Hattie and Nannie were present and appeared to be of the blood and age claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W. E. Foltz

Subscribed and sworn to before me on this 12th day of January, 1911.

R. P. Harrison, Clerk.
By Edward McCord
Deputy.

Cher 11032

Edgar T. Bitting

Cher 11032

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
[redacted]

90635

IN RE APPLICATION FOR ENROLLMENT, as a Citizen of the Cherokee Nation, of Edgar T. Bitting, who appears upon the eastern Cherokee Roll opposite No.5145, and is shown to be not upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had at Tahlequah, Oklahoma, November 23rd, 1910, by Mr. George Reed, on behalf of the Commissioner.

Examination by Mr. Reed:

Maud Miller being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Maud Miller; age 30 years old; P.O., Tahlequah, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#27313.)
Q Do you know William and Maggie Bitting? A Yes; Mrs. Bitting is my sister.
Q Are they enrolled Cherokee Citizens? A Yes; Maggie was enrolled with me.
Q Do you know Edgar T. Bitting? A Yes. He is my sister's child.
Q Is he present here at this time? A Yes. That is him. (Witness here indicates the child, Edgar T. Bitting.)
Q How old is he? A Five years past.
Q Was you present when he was born? A Yes. I assisted in his birth.
Q Have you a record of his birth? A No. But my sister has in her family Bible; I saw it there.
Q Has this child been enrolled upon the Final Rolls of the Five Civilized Tribes? A I do not know; I think not from what his parents told me in the past.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 12th day of January, 1911.

R. P. Harrison, Clerk.

By Edward Keary
Deputy.

Cher. J. 171



MEMORANDUM.

Edgar T. Bitting, Cherokee minor by blood, Eastern Cherokee, roll No. 5145, not on E. C. T. roll, born July 17, 1905, living March 4, 1906 and is still living with its parents. Nov 23, 1910

Introduced at the hearing Nov. 23, 1910 and appeared to be of the age and blood claimed.

Father- William Bitting, P. O. Marble City, Okla. Cher. roll No. 13928, 1/16 blood Cher.

Mother- Maggie Bitting enrolled as Maggie Blair, Cher. roll No. 27315- 1/2 blood Cher.

Witness- William Bitting the father who produced the family bible record. Wife Maggie Bitting became sick en route to hearing at Tahlequah and was not present to testify.

No previous application because "I was unable to obtain the affidavit of the midwife who was away- now dead" -that was what held me off".

Recommended that Edgar T. Bitting be enrolled as a Cherokee minor by blood.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

OFFICE OF INDIAN AFFAIRS RECEIVED JUL-24 1913 90635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Edgar T. Bitting [Here insert name of child] born on the 17th day of July 1905.

Name of Father: William Bitting a citizen of the Cherokee Nation. #13928

Name of Mother Maggie Bitting a citizen of the Cherokee Nation. #22315

Tribal enrollment of father Cherokee #13928. Tribal enrollment of mother Cherokee #22315

Postoffice Marble City, Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Cherokee, County ~~District.~~

I, William Bitting, on oath state that I am 27 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful ~~wife~~ Husband of Maggie Bitting, who is a citizen, by Blood, of the Cherokee Nation; that a Male [Male or Female] child was born to ~~her~~ him on the 17th day of July, 1905.; that said child has been named Edgar T. Bitting and was living March 4, 1906, and is now living with my wife and I.

William Bitting
P.O. Marble City, Okla

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 7th day of November 1906

R. P. Harrison — Clerk
By A. Collins, Deputy. ~~Notary Public.~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Cherokee, County ~~District.~~

I, Maude Miller, a Midwife, on oath state that I attended on Maggie Bitting, wife of William Bitting on the 17th day of July 1905. ; that there was born to her on said date a Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Edgar T. Bitting and he is now alive and living with his parents near Marble City, Okla.

Maude Miller
P.O. Pollegreen Okla

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 7th day of November 1906

R. P. Harrison - Clerk
By A. Collins Deputy. ~~Notary Public.~~

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
[redacted] 90685

DEPARTMENT OF THE INTERIOR.

Muskogee, Oklahoma, January 19th, 1911.

-----oOo-----

In the matter of the application for the enrollment of Edgar T. Bitting as a Minor Cherokee by blood.

Testimony taken at Tahlequah, Oklahoma, November 23, 1910, before S. A. Mills.

William Bitting, sworn and examined, testified as follows:

By Mr. Mills:

Q What is your name? A William Bitting. 1/16
Q What is your age? A Twenty-seven.
Q What is your post office address? A Marble City.
Q Are you an enrolled Cherokee citizen? A Yes sir.

See Cherokee Roll No. 13928;
" Guion Miller Roll No. 5145.

Q What is your wife's name? A Maggie Bitting.
Q Is she a citizen by blood of the Cherokee Nation? A Yes sir.

See Cherokee Roll No. 27315; Maggie Bitting 1/8
" Guion Miller Roll No. 5144.

Q Have each of you been duly enrolled and received lands as Cherokee citizens? A Yes sir.
Q Have you any children who have been enrolled? A No sir.
Q Have you any children who have not been enrolled? A Yes sir, have this one that's entitled.
Q What is that child's name? A Edgar T.
Q Is this the child here [pointing to the child]? A Yes sir.
Q How old is this child Edgar T. Bitting? A Edgar T. was five in July.
Q July past? A Yes, five last July.
Q Where is the mother of Edgar T. Bitting now? A The mother of Edgar T. Bitting now is about twelve miles east of here. She came that far last night but couldn't come any further on account of being sick.
Q She is sick? A Yes sir.
Q And unable to appear? A Yes sir.
Q You appear for her in the matter of this attempted enrollment of this child? A Yes sir.
Q Have you any record of the birth of Edgar T. Bitting? A The only record is in the back of the bible there.

The family bible is presented and there appears upon the blank leaf in said bible the following entries:

Edgar Thomas Bitting born July 17, 1905;
Nicholas G. Bitting born May 28, 1907;
John W. Bitting born November 14, 1908.

Q Is this your family record of the dates of the births of your children? A Yes sir.
Q Do you recognise these entries here showing the dates of the births of these several children? A Yes sir.
Q Who made those entries? A My wife made them--Maggie Bitting.
Q Do you know them to be true entries of the dates as represented here? A Yes sir.
Q Have you ever made application for the enrollment of Edgar T. Bitting heretofore? A Why, I didn't exactly go before the Commission, for I was waiting for the affidavit of the mid-wife and didn't get it. I didn't make application I suppose, either. I ~~xxxxxxxx~~ didn't go on account of not having the affidavit of the mid-wife, that was what held me off.
Q Why were you not able to obtain the affidavit of the mid-wife who was present at the birth of the child? A She was away.
Q Was there any doctor in attendance? A No sir, not at the time, but he came there afterwards.
Q Where is that mid-wife now? A She's dead now.
Q Where is the doctor whom you speak of who attended your wife shortly after the birth of Edgar T. Bitting? A He is also dead.
Q Can you name anyone who was present at the time of the birth of Edgar T. Bitting, other than the mid-wife? A Yes, Mrs. C. S. Perry was there right at the time, and Mrs. Miller was there that day at noon.
Q Give me the address of Mrs. Perry? A Mrs. C. S. Perry, Sallisaw.
Q Give me the name and address of Mrs. Miller? A Mrs. J. H. Miller, Tahlequah.

Witness excused.

- - - - - - - - - - - - - - -

Albert G. McMillan, being first duly sworn, states that he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes.

Albert G. McMillan

Subscribed and sworn to before me this 19th day of January, 1911.

Edward Merrick,
Notary Public.

Cher 11033
Alta May Brassfield

Cher 11033

(COPY)

No. 76.

M A R R I A G E L I C E N S E.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) SS
CENTRAL DISTRICT.)

You are hereby Commanded to solemnize the Rite and publish the Banns of martimony between Mr. John B. Bradsfield of Broken in the Indian Territory, aged Twenty One years and M Mary Kelley of Broken in the Indian Territory, aged Twenty years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official Seal this 17 day of Sept A. D. 1896.

P. B. Stoner
Clerk of the U. S. Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA)
INDIAN TERRITORY) SS.
Central District.)

I, W. J. Stokes, a minister of the Gospel DO HEREBY CERTIFY, That on the twentieth day of September, A. D. 1896, I did duly and according to law, as commanded in the foregoing License solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 21st day of September, A. D. 1896
My credentials are recorded in the office of the Clerk of the United States Court, in the Indian Territory, Central District, Book "A" page 292.

W. J. Stokes,
a Minister of the Gospel.

Endorsed on Back

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED---DEC 29, 1906.
TAMS BIXBY, Commissioner.

INDIAN TERRITORY)
CENTRAL DISTRICT) ss.

I hereby certify that this instrument was filed at _____ o'clock M 1896 and is duly recorded in Book 7 page 57.
P. B. Stoner,
Clerk.

(COPY)

AFFIDAVIT.

United States of America,
Indian Territory,
Western District.

I, John Brassfield, being duly sworn do state under oath that I am the identical person whose name appears as "John B. Bradsfield", on a marriage license and certificate, showing the marriage on September 20, 1895, of John B. Bradsfield and Mary Kelley; that I was married to the said Mary Kelley on the above mentioned date, and that I am the father and that Mary Kelley, (now Brassfield) is the mother of Clarence Raymond Brassfield.

John Brassfield

Subscribed and sworn to before me this the 27th day of December, A. D. 1906.

F. L. Moss

Notary Public

My commission expires on the ___ day of _____ 19___.

Seal

My commission expires Jan. 20th, 1902.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT. 80

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Alta May Brassfield (Here insert name of child.), born on the 16th day of June, 1902

Name of Father: John Brassfield a citizen of the Cherokee Nation.

Name of Mother: Mary Brassfield a citizen of the United States ~~XXXX~~

Postoffice Wagoner I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western DISTRICT.

I, Mary Brassfield, on oath state that I am 28 years of age and a citizen by ------, of the United States ~~XXXX~~, that I am the lawful wife of John Brassfield, who is a citizen, by Blood, of the Cherokee Nation; that a Female (Male or Female.) child was born to me on 16th day of June, 1902; that said child has been named Alta May Brassfield, and is now living.

her
Mary X Brassfield
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) J. S. Douglas

Myrtle Thomas

Subscribed and sworn to before me this 24th day of August, 1904.

(SEAL) H. B. Ernest Notary Public.

My Commission Expires December, 1907.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western DISTRICT.

I, R. M. Counterman, a Kufaula, I. T., on oath state that I attended on Mrs. Mary Brassfield, wife of John Brassfield on the 16th day of June, 1902; that there was born to her on said date a female (Male or Female.) child; that said child is now living and is said to have been named Alta May Brassfield

R. M. Counterman, M. D.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 24th day of August, 1904.

(SEAL) H. B. Ernest Notary Public.

My commission expires December 1907.

(COPY)

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Alta May Brassfield (Here insert name of child.), born on the 16th day of June, 902

Name of Father: John Brassfield a citizen of the Cherokee Nation.

Name of Mother: Mary Brassfield a citizen of the United States Nation.

Postoffice Eufaula, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western DISTRICT.

I, Mary Brassfield, on oath state that I am 31 years of age and a citizen by , of the United States Nation; that I am the lawful wife of John Brassfield, who is a citizen, by Blood, of the Cherokee Nation; that a female (Male or Female.) child was born to me on 16th day of June, 1 908 that said child has been named Alta May Brassfield, and is now living.

Mary Brasswfield

WITNESSES TO MARK:

(Must be Two Witnesses.) J. W. Hobble

Mattie Watts

Subscribed and sworn to before me this 19th day of October, 190 7.

SEAL

J. C. Smock
Notary Public.

Mu commission expires April 28, 1909

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western DISTRICT.

I, R. M. Counterman, a Physician, on oath state that I attended on Mrs. Mary Brassfield, wife of John Brassfield on the 16th day of June, 1902; that there was born to her on said date a female (Male or Female.) child; that said child is now living and is said to have been named Alta May Brassfield

R. M. Counterman

WITNESSES TO MARK:

(Must be Two Witnesses.) J. H. Hobble

Mattie Watts

Subscribed and sworn to before me this 19th day of October, 190 7.

(SEAL)

Notary Public.

My commissioner expires April 28, 1909.

(COPY)

Commissioner to the Five Civilized Tribes.
November 13, 1907.
In the matter of the application for the enrollment of Alta May Brassfield as a citizen of the Cherokee Nation.

----------oOo----------

A copy of the testimony taken near Eufaula, on October 31, 1907 by Edwin C. Motter on behalf of the Commissioner to the Five Civilized Tribes.

John Brassfield first being sworn by Robert H. Searcy, Notary Public testified as follows:

Q What is your name? A John Brassfield.
Q Your age? A. Thirty years old Twenty-nineth of this month.
Q Your post office address? A Eufaula.
Q What is your wife's name? A Mary Brassfield.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Is your wife? A No sir.
Q Now you have some children haven't you Mr. Brassfield?
A Yes sir.
Q How many? A. Three living and two dead.
Q Give me their names in the order of their ages. A Jay Brassfield would be nine years old if he was living. Abner Brassfield seven on the 20th of last April, Alta May Brassfield five years old the 16th day of last June. Clarence Raymon Brassfield three years old October 31, 1907. Next one is infant born last January and died in February.
Q Now Mr. Brassfield have all of these children except the last one been enrolled? A No sir.
Q Which one is it that has not been enrolled. A Alta May Brassfield.
Q Why wasn't she enrolled? A I don't know.
Q Was application made for her enrollment prior to March 4, 1907. A Yes sir nearly four years ago.
(Records of this office show that on September 1, 1904 an application was received for the enrollment of Alta May Brassfield said application was made before H. B. Ernest a Notary Public on the 24th day of August 1907.
Q Now this child Alta May Brassfield was born next after Abner Brassfield was she? A Yes sir.
Q She lives with you? A Yes sir.
Q You and your wife live together? A Yes sir.
Q When did you say Alta May was born? A June 16, 1902.
Q Mr. Brassfield have you furnished the Dawes Commission with a marriage certificate showing your marriage to Mary Brassfield? A Yes sir.
Q Have you ever been married more than once? A No sir.
Q You never made application for the enrollment of Alta May prior to 1904 did you? A No sir.
Q She was born in June 1902 and you knew that you could not make application for her enrollment after October 31, 1902 didn't you ? A No sir.
Q You say some one had told you that you could not have her enrolled? A Yes sir.
Q So after that you just let it go did you? A Yes sir until another man told me I could enroll it.
Q Did you ever write to the Commission and inquire whether you could enroll her prior to the making of your first application. A No sir.

(COPY)

Commissioner to the Five
Civilized Tribes, Muskogee, Indian Territory,
November 13, 1907.

-------oOo--------

In the matter of the application for the enrollment of Alta May Brassfield as a citizen of the Cherokee Nation.

Mary Brassfield first being sworn by Robert H. Searcy, Notary Public testified as follows:

Q What is your name? A Mary Brassfield.
Q Your age? A Thirty-one.
Q Your post office address? A Eufaula.
Q Are you the wife of John Brassfield? A Yes sir.
Q When wereyou married? A Eleven years the twentieth of September 1907.
Q Are you the mother of Jay, Abner, Alta May, and Clarence Raymond Brassfield? A Yes sir.
Q Alta May is next younger than Abner and older than Clarence Raymond is she not? A Yes sir.
Q Alta May is alive? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A No sir, a white woman.
Q When did you say Alta May was born? A Sixteenth of June 1902.
Q Mrs. Brassfield you have made affidavit as to the date of this child's birth have you? A Yes sir.

(I know all of these children that are now alive; two boys Abner and Clarence Raymond and one girl who appears to be about five years old and who was pointed out to me by both the mother and father as Alta May Brassfield.)

Edwin C. Motter being first duly sworn says that the above and foregoing is a true and correct copy of the notes taken by him at Eufaula, Indian Territory, in the investigation of the right to enrollment of Alta May Brassfield.

Edwin C. Motter

Subscribed and sworn to before me this 14th day of November 1907.

John E. Tidwell
Notary Public.

(SEAL)

64.

MEMORANDUM.

OFFICE OF INDIAN AFF
RECEIVED
JUL 24 1913
90635

Alta May Brassfield, minor Cherokee by blood,
born June 16, 1902. Still living.

Father - John Brassfield - P. O., Eufaula, Okla., Cherokee by blood, Roll No. 15360.

Mother - Mary Brassfield - a non-citizen white woman.

Record evidence of marriage of John Brassfield and Mary Kelley by W. J. Stokes, a minister of the Gospel, on Sept. 20, 1896, pursuant to license issued by Clerk of the U. S. Court for Central District of Oklahoma on September 17, 1896, field as record evidence in the case.

Child a full sister to Jay Brassfield, deceased, Roll No.25235.

Child a full sister to Abner Brassfield, Roll No.25236.

Child a full sister to Clarence Raymond Brassfield, Roll No. 3788.

A prior application was field Sept. 1, 1904, with birth affidavit of mother and attending physician R. M. Countermann, M. D.

Above application was denied by the Commissioner to the Five Civilized Tribes on Sept. 27, 1904, on the ground that Section 30 of the Act of July 1, 1902, (32 Stat. L., 716), inhibited the consideration of the applications field after Oct. 31, 1902.

Recommended that Alta May Brassfield be enrolled as a minor Cherokee by blood.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Oklahoma, December 12, 1910.

In the matter of the application for the enrollment Alta May Brassfield, Bathie Lee Brassfield, and an infant child, as citizens of the Cherokee Nation, by John Brassfield, their father.

Proceedings had at Bartlesville, Oklahoma, December 9, 1910, before C. F. Hiles, Supervising District Agent.

John Brassfield being first duly sworn testified as follows:

By Mr. Hiles:

Q What is your name? A John Brassfield.
Q How old are you? A 35 years old.
Q What is your postoffice address? A Bartlesville, Oklahoma
Q You are a citizen by blood of the Cherokee Nation? A Yes sir.
Q What is your wife's name? A Mary Brassfield.
Q When did you marry her? A Fourteen years ago, I forget just what time.
Q Since you married her you have lived continuously as man and wife? A Yes
Q Have you any children? A Yes sir.
Q How many? A Six children.
Q How many of those six children are enrolled? A Just three of them.
Q Give the names of those who are enrolled? A Joy Brassfield, Clarence Raymond Brassfield and Abner Brassfield.
Q What are the names of the three children who are not enrolled, give the oldest first and then the next oldest and then the youngest. A Alta May Brassfield. Q How old is Alta May Brassfield? A 8 years old. Bathie Lee Brassfield. Q How old is she? A Two years old, and the other one is an infant three months old.
Q Is Alta May Brassfield living at this time? A Yes sir.
Q Has she lived with you continuously? A Yes sir.
Q Is she a full sister to those children who are enrolled? A Yes sir.
Q Did Alta May Brassfield ever have a guardian? A Yes sir.
Q Who is her guardian? A Myself. Q Appointed guardian? A Yes sir.
Q Has she any land? A No sir.
Q For what reason were you appointed guardian? A To lease some land of Joy Brassfield, the one who is dead.
Q You were appointed guardian over this child in order to handle her interest in her dead brother's land? A I suppose so.

The witness, John Brassfield, father of Alta May Brassfield, is identified on the final roll of the citizens by blood of the Cherokee Nation opposite Roll No. 10660.

Q At the time you married your wife did you obtain a marriage license? A Yes
Q Where is that license now? A At the Dawes Commission.
Q You filed the license in connection with the application of the enrollment of your other children? A I don't know the purpose, but they sent for it.

Reference is made to the enrollment cards of the other household children, record of which probably shows the marriage license referred to by the witness.

Witness excused.

I, Harry Montague, Stenographer to the Commissioner in the Five Civilized Tribes, upon oath certify that the above and foregoing is a true and correct copy of my stenographic notes as taken by me in the above entitled case.

Harry Montague

Subscribed and sworn to before me this 12th day of December, 1910.

R. P. Harrison
Clerk U. S. Dist. Court
By A. W. Miller Deputy

Residence

Post Office Wetumka, Okla

CHEROKEE ~~Seminole~~ Nation. ~~Seminole~~ Roll.

	Aug. 1st 1914						
[illegible]	Bransfield, Okla	12	[illegible]	[illegible]	[illegible]	[illegible]	May [illegible] on Pd. June 16, 19[illegible]

ENROLLMENT.

OF [illegible]

Blank 731

Cherokee Roll, Indians By Blood

Enrolled Under Provision of the Act of Congress, Approved August 1, 1914. (Public No. 160)

No.	Name	Age	Sex	Blood	Ca.	N
32938	Brassfield, Alta May	12	F	1/32	11033	

(COPY)

CDL

Cherokee-6415

Muskogee, Indian Territory, September 27, 1904.

John Brassfield,

Wagoner, Indian Territory.

Dear Sir:

The Commission is in receipt of birth affidavit executed on August 24 1904, showing the birth, on June 16, 1902, of Alta May Brassfield, to John and Mary Brassfield.

In reply you are advised that an examination of the records of the Commission fails to disclose that application has ever been made to it for the enrollment of the said Alta May Brassfield. You are further advised that section thirty of the Act of Congress approved July 1, 1902, (32 Stat., 716, provides as follows:

"....the application of no person whomsoever for enrollment shall be received after the thirty-first day of October, nineteen hundred and two."

Respectfully,

Tams Bixby,

Chairman.

Muskogee, Indian Territory, November 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

June 28, 1907, former Commissioner Bixby called to the attention of the Department certain enrollment cases that were brought to his attention after March 4, 1907, in which it appeared that the applicants were probably entitled to enrollment but were not placed upon the final rolls of the tribes of which they were members, and that in view of Section 2 of the Act of Congress of April 26, 1906, there was no existing law under which they could obtain relief.

July 23, 1907 (I.T. 59715-1907), the Acting Commissioner of Indian Affairs in reporting in the matter, stated:

> "It appears from the Commissioner's letter that the parties mentioned by him are entitled to enrollment and that for various reasons their names were not placed on the roll. As it appears to be thoroughly established that they are as much entitled to enrollment as any of the citizens of the tribes to which they belong, and as there is no existing law by which they can be enrolled, it is recommended that the list be preserved and that the Commissioner to the Five Civilized Tribes be requested to investigate further similar cases to the end that relief may be afforded to all such persons by a special act of Congress, authorizing the placing of their names on the rolls of citizens of the nations to which they belong."

This recommendation was approved by the Secretary of the Interior July 25, 1907.

The question of the advisability of requesting congressional action with a view to affording relief to certain persons not enrolled as members of the Five Civilized Tribes, through fault of

their own or otherwise, was again discussed in the Cherokee case of Alta May Brassfield. The Commissioner of Indian Affairs on August 21, 1907 (I. T. 69588-1907), forwarded this office, for report, a letter from John Brassfield, and on September 10, 1907 (I.T. 73379-1907), in transmitting the report of this office of August 30, 1907, stated:

> "In cases such as the Brassfield, the Mitchell Adams, and a few others that have come to the notice of the Office, where the parties were not enrolled through no fault of their own, but through error of Government Officers, Congress should be requested to enact legislation authorizing their enrollment, and their names should be inserted in the law as was done by Section 9 of the Act of June 30, 1902 (32 Stat. L., 500), in the cases of Ner-wal-le-pe-se, Mary, Walter and Willie Washington, citizens of the Creek Nation.
>
> It is recommended that the Office be authorized to advise the Commissioner to the Five Civilized Tribes as herein indicated, and request him to prepare a list giving the names of the persons whom his record show were legally entitled to enrollment and were omitted through oversight on the part of the Government, in order that the subject may be presented to Congress with a view to protecting their interests."

This recommendation was approved by the Secretary of the Interior September 11, 1907.

In accordance with these instructions I have investigated the records in the citizenship cases in the different Tribes and respectfully submit the following cases which I believe come within the purview of the Department's instructions, to-wit:

CHEROKEES BY BLOOD.

ACT OF JULY 1, 1902 (32 STAT., 716).

Jennie Cloud,
Joe Kingfisher, case No. 7715.

Jennie Cloud, who is a full blood Cherokee Indian, is a daughter of Nelse Crittenden and Ka-le-nuskee; she was born in the Cherokee Nation about 33 years ago, and has continuously resided therein since her birth to the present time; her name is identified upon the 1880 Cherokee tribal roll, Goingsnake district, at No. 456, as Sinthy Crittenten, and upon the 1894 Cherokee pay roll, Goingsnake district, at No. 664, as Jennie Kingfisher.

Joe Kingfisher, born about 1892, is a son of said Jennie Cloud and one Josiah Kingfisher, whose name appears opposite No. 18685 on the approved roll of Cherokee citizens, being enrolled as a fullblood. Said Joe Kingfisher resided in the Cherokee Nation continuously from his birth until his death, which occurred in 1903 or 1904.
The application for the enrollment of Jennie Cloud and Joe Kingfisher was made April 15, 1902, but their case was, through an oversight, never passed upon.

Viola Crazier, case No. 4079.

Viola Crazier was born August 26, 1902, and is a child of Homer M. Crazier, whose name appears upon the approved roll of citizens by blood of the Cherokee Nation, opposite No. 9841, being enrolled as a three-eighths Indian, and one Dora Crazier, a non citizen of the Cherokee Nation. The application for her enrollment was made October 8, 1902, and on February 20, 1907, the former Commissioner [illegible] enrolled her as a citizen by blood of the Cherokee Nation. No protest against her enrollment was filed by the attorney for the Cherokee Nation, but through oversight she was not placed upon a schedule of Cherokee citizens and forwarded for departmental approval.

Maggie Beamer, case no. 9365.

Application for the enrollment of Maggie Beamer was made June 24, 1902; she is a fullblood Indian about thirteen to fourteen years of age, a daughter of Sam Beamer, whose name appears opposite No. 18963 upon the approved

roll of citizens by blood of the Cherokee Nation, and one Lydia Beamer, nee Wesley, a Cherokee, who died about twelve years ago. Maggie Beamer is identified upon the 1896 Cherokee tribal roll, Tahlequah district, at No. 319, and has continuously resided in the Cherokee Nation from the time of her birth until the present time. The case of this child was not, through inadvertance, passed upon prior to the closing of the Cherokee roll.

Jim Wolfe, case No. 10991.

This applicant, who is a fullblood Indian, made application for enrollment November 20, 1900, as a citizen by blood of the Cherokee Nation, his age being given at that time as 41 years. June 20, 1901, the Commissioner to the Five Civilized Tribes refused his application for enrollment in accordance with the provisions of the Act of May 31, 1900 (31 Stat., 221), and on September 24, 1901, said decision was approved by the Department. On November 27, 1903 (I. T. D. 8304-1903), on request of the Commission, the Department rescinded its decision and returned the case for readjudication. Further proceedings were had in the case September 21, 1904, and October 30, 1905. On February 21, 1907, the Commissioner rendered his decision ordering Jim Wolfe enrolled as a citizen of the Cherokee Nation of Shawnee blood. The attorney for the Cherokee Nation entered no protest against the enrollment of Jim Wolfe, but through inadvertance his name was not placed upon a schedule of Cherokee citizens and forwarded to the Department for approval.

Eli Springwater, case No. None. 200.

Application for the enrollment of this applicant was made August 16, 1900. Emily A. Springwater, his mother, is a white woman and alleges that she was married to Johnson Springwater, the father of Eli Springwater, in 1868 or 1869, and that they lived together for about three years. Other than her uncorroborated testimony, there is no evidence of the marriage of herself and Springwater, but from the information received it appears that they lived together for about three years: That the child, Eli Springwater, was born while they were living together;

that he was recognized in the community as their child, and also by his putative father, Johnson Springwater. The name of Eli Springwater cannot be identified upon any of the tribal rolls of the Cherokee Nation in the possession of this office. Johnson Springwater is identified upon the 1880 Cherokee tribal roll, Sequoyah district, at No. 1213, and his name appears upon the approved roll of citizens by blood of the Cherokee Nation opposite No. 26726.

Commissioner Bixby in his letter of June 28, 1907, fully advised the Department in reference to the above cases, and as to the probable cause of their being overlooked.

Alta May Brassfield, case No. 6415.

Alta May Brassfield was born June 16, 1902, and is a daughter of John Brassfield, whose name appears opposite No. 15360 upon the approved roll of citizens by blood of the Cherokee Nation, and his wife, Mary Brassfield, a non citizen white woman. The first application made to the Commission to the Five Civilized Tribes was received September 1, 1904, too late, under the provisions of Section 30 of the Act of July 1, 1902, to be considered. The Act of April 26, 1906 (34 Stat., 137), extended the time for the reception of applications for enrollment to December 1, 1905, but the application for the enrollment of Alta May Brassfield, which was retained in the files of the Commission, was not discovered after the passage of the Act of April 26, until subsequent to March 4, 1907, and her case was not passed upon prior to the closing of the tribal rolls on March 4, 1907. Said child is living at the present time.

CHEROKEE FREEDMEN NEW BORN.

ACT OF APRIL 26, 1906 (34 STAT., 137).

Lucy Scott, New Born case No. 548.
Application was received May 21, 1906, for the enrollment under the Act of April 26, 1906, of Lucy Scott, born September 21, 1905, a child of Jim Scott, a noncitizen of the Cherokee Nation, and Mary Scott, whose name appears

upon the approved roll of Cherokee Freedmen opposite No. 3722. This child was living March 4, 1906. When this application was first received Lucy Scott was listed for enrollment on Cherokee new born card No. 2757, instead of a Cherokee freedmen new born card, it being recited in the application for the child's enrollment that its mother, Mary Scott, was "a citizen by birth of the Cherokee Nation." On February 7, 1907, Commissioner Bixby ordered the transfer of the name of Lucy Scott from the Cherokee new born case to a Cherokee Freedmen new born case, it being found that the mother was enrolled as a Cherokee freedmen. It appears that no further action was taken looking toward the enrollment of Lucy Scott until March 4, 1907, when Mr. Bixby wired the Department as follows:

"From evidence now in my office it appears that minor Cherokee freedman applicant Lucy Scott, is minor child of Mary Scott, Cherokee freedman roll number thirty-seven twenty-two, was born September twenty-one nineteen hundred three, living March four nineteen hundred six, made application within time limited by Act April twenty-six nineteen hundred six and has been listed on card number five forty-two. I recommend that said applicant, Lucy Scott be placed on minor Cherokee Freedman Roll and approved."

Fearing that the telegram would reach the Department too late, the Commissioner wired his employe then in Washington, calling his attention to the telegram, which was quoted him, in order to secure, if possible, the enrollment of this child. March 8, 1907 (I.T.D. 6900-1907), the Acting Secretary of the Interior notified the Commissioner that said telegram was not received in the Secretary's office until March 8, 1907, and that no further action could be taken.

ORPHANS BY BLOOD.

ACTS OF MARCH 1, 1901 (31 Stat., 861),
AND JUNE 30, 1902 (32 Stat., 500).

Chimheker Mully,
Mitchely "
Barney "
Simon " cases No. I-3172.

April 26, 1907, Chimheker Mully appeared before the Commissioner to the Five Civilized Tribes and gave testimony in connection with the right to enrollment as citizens by blood of the Creek Nation of herself and children, Mitchely, Barney and Simon Mully, all fullblood Creek Indians. It developed that Chimheker Mully was identified upon the 1895 Creek pay roll, Ketchapataka Town, as Chimheka, but that her enrollment upon said roll had previously been accepted, through error, as that of one Wattey Yahola, whose name appears upon the approved roll of Creek Indians opposite No. 2416. It was also found that her children above named, who are also identified on said roll, were listed for enrollment by the Commission to the Five Civilized Tribes on May 23, 1901, as Mitchell, Barney and Simon Viker, and that on February 20, 1907, the Commissioner dismissed the application for their enrollment, no information having been received to show whether or not they were living and entitled to enrollment on April 1, 1899. The names of these persons also appear upon the 1890 authenticated roll of citizens by blood of the Creek Nation on page 133, Ketchapatka Town, as Chimarhekee, Majaila, Parma and Harma. The evidence shows that these people lived continuously all of their lives in the Cherokee Nation (among a band of Creek Indians who settled in the Cherokee Nation about the time of the outbreak of the civil war), and that they have never been enrolled or recognized as citizens of any tribe of Indians other than the Creek.

ACT OF APRIL 26, 1906, (34 STAT., 137).

Sallie Foster, Creek NB No.370.

June 19, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Sallie Foster, born January 17, 1905, as a citizen by blood of the Creek Nation under the Act of April 26, 1906.

Said Sallie Foster is a child of Noah Foster, whose name was identified upon the approved roll of Creek Indians opposite No. 477, and Jennatta Foster. February 27, 1907, the Commissioner rendered his decision denying the application for the enrollment of said child for the reason that sufficient information was not secured to determine whether or not said Jennatta Foster was a Creek citizen, or whether or not she and Noah Foster were married Said decision was, on that date, forwarded to the Department. March 4, 1907, the parents of this child appeared before the Commissioner and gave testimony in the matter of its enrollment, from which it was found that the child's mother is enrolled upon the approved roll of Creek citizens opposite No. 3907, as Jenette Johnson, and on that day the Commissioner wired the Department as follows:

> "Referring to Creek New Born case of Sallie Foster transmitted on February twenty seven, nineteen hundred seven, together with decision denying for insufficient evidence, the parents of said child have this evening appeared and from their testimony mother is identified as Jennette Johnson opposite Creek Indian Roll No. thirtynine hundred seven. I therefore recommend that name of said Sallie Foster be this day placed upon Creek New Born Schedule and approved. Child one year old. Sex female, blood full, card No. three hundred seventy."

Fearing that the telegram would reach the Department too late, the Commissioner wired his employe then in Washington, calling his attention to the telegram, which was quoted him, in order to secure, if possible, the enrollment of this child. The telegram probably not having reached the Department until after March 4, 1907, the Department, of that date (I.T.D. 7830-1907), affirmed the Commissioner's decision.

Robert Bullocks, Creek Freedmen New Born.

The mother of Robert Bullocks is Serena Bullocks, who, with her other children, Bessie Harris, Minnie Vincent and Lou Willie Bullocks, were first enrolled as Chickasaw freedmen, opposite Nos. 1693, 1694, 1695 and 1700, respectively, upon a schedule of Chickasaw freedmen approved by the Department December 12, 1902. The name of Robert Bullocks appears upon a schedule of Chickasaw freedmen approved by the Department October 15, 1903, opposite No. 4818. Serena Bullocks having elected to have herself

and children enrolled as Creek freedmen, Commissioner Bixby transmitted to the Department on October 28, 1905, the record of proceedings had in the matter of their application for enrollment as Creek freedmen, and expressing the opinion that they were clearly entitled to enrollment as Creek Freedmen, recommended that their enrollment as Chickasaw freedmen be cancelled, and stated that when such action was taken "a decision enrolling them as Creek freedmen will be rendered." He also stated that there was, at the time of his report, no authority of law for the enrollment of the minor child, Robert Bullocks, as a citizen of the Creek Nation, and recommended that his enrollment at No. 4318 upon the final roll of Chickasaw freedmen be permitted to stand. Forwarding the report to the Department on September 14, 1906, (Land 88437-1906), the Commissioner of Indian Affairs concurred in the recommendation of Commissioner Bixby. October 31, 1906, (I.T.D. 75808-1906), the Department remanded the case to the Commissioner for readjudication in accordance with the law existing at that time. January 21, 1907, the Commissioner again forwarded the record to the Department and concluded his report as follows:

"I the said Robert Bullocks was living March 4, 1906, then he is a person entitled to make application for enrollment under the provisions of said Section (2 of Act of April 26, 1906), and in my opinion his application made August 22, 1902, should be considered as a continuing application requiring action thereon in the light of said Section 2 of the Act of April 26, 1906 .....

I have therefore notified the mother of said Robert Bullocks, who is a minor, that if she desires the said Robert Bullocks to be enrolled as a Creek freedman, it is imperative that she immediately furnish proof that he was living March 4, 1906. In the event that such proof is furnished, I will prepare and transmit a decision similar to the decision transmitted herewith, containing an order cancelling his enrollment as a Chickasaw freedman, and will also transmit with said decision a separate schedule containing the name of Robert Bullocks.

In the event such proof is not furnished, and he is not enrolled as a Creek freedman, his enrollment as a Chickasaw freedman should, of course, be allowed to stand.

In forwarding the report to the Department the Indian Office, on February 21, 1907, (Land 9086-1907), concurred in the recommendation of the Commissioner, and on February 27, 1907 (I. T. D. 4752-1907), the Department approved the

enrollment of Serena Bullocks, Bessie Harris, Missie Vincent and Lous Willie Bullocks as Creek freedmen, and granted authority for the cancellation of their names from the roll of Chickasaw freedmen. Their names appear upon the final roll of Creek freedmen opposite Nos. 5594 to 5597, inclusive.

From affidavits executed by Serena Bullocks February 8, 1907, and Mary Bullocks February 9, 1907, it is shown that said Robert Bullocks was born September 19, 1901, and was living on March 4, 1906. These affidavits apparently reached the Commissioner too late to report the case to the Department and secure the enrollment of this child as a Creek freedman now born and have his name stricken from the Chickasaw freedman roll. Before this child is enrolled as a citizen of the Creek Nation, proper authority should be secured for the cancellation of his name at No. 4318, from the approved roll of Chickasaw freedmen. No application for the selection of an allotment of land in the Choctaw or Chickasaw Nation for said Robert Bullocks has been made.

MISSISSIPPI CHOCTAWS.

ACTS OF JUNE 28, 1898 (30 STAT., 499),
AND JULY 1, 1902 (32 Stat., 641).

Maggie Nickey, (now John),
Billy Nickey,
[redacted]
Bettie Russell Nickey,
Mollie Mays Nickey.

These applicants were embraced in the Mississippi Choctaw application of Nancy Nickey made at Meridian, Mississippi, April 25, 1901, for the identification of herself and said children, and also for her child, Lizzie Nickey, who died in the year 1901, as Mississippi Choctaws. Said Nancy Nickey was identified as a fullblood Mississippi Choctaw May 17, 1904. September 15, 1904, the Commission to the Five Civilized Tribes denied the identification as fullblood Mississippi Choctaws of the above named children, and said decision was approved by the

Department December 13, 1904 (I. T. D. 12538-1904).

January 12, 1907 (I. T. D. 83-1907), the Department ordered a rehearing in the matter of the application of said Maggie Nickey, and on March 4, 1907, Commissioner Bixby wired the Department as follows:

> "Referring to Departmental letter of January twelfth, nineteen seven (I. T. D. eighty-two- nineteen seven), ordering rehearing in application of Maggie Nickey, now Maggie John, for identification as Mississippi Choctaw, sufficient evidence has been received by me today to identify this applicant as fullblood Mississippi Choctaw, and such action has accordingly been taken on this date by me. Sufficient evidence is also on file with this office showing bona fide settlement within Choctaw-Chickasaw Country. Recommend that her name be placed on schedule of identified Mississippi Choctaws and also on final roll of Mississippi Choctaws and approved by you today. Maggie Nickey is twenty years old, removed to Choctaw-Chickasaw Country in February nineteen hundred three, and submitted proof of settlement on February fifth, nineteen seven. Her name appears on Mississippi Choctaw card number nine hundred seventeen."

March 13, 1907 (I. T.D. 8210-1907), the Department advised the Commissioner that as the telegram was not received until March 5, 1907, "it is not considered that the Department has now the authority to place said Maggie Nickey, or Maggie John, upon the roll of Mississippi Choctaws."

On March 4, 1907, the Commissioner rendered his decision refusing the application of Lizzie Nickey for identification, she having died, but seem to be entitled to such identification, and granted the application for the identification of said Maggie, Billy, Sam, Bettie, Russell and Mollie Mass Nickey as fullblood Mississippi Choctaws. The Commissioner advised the Department of this action on March 6, 1907, and stated that

"Considering, however, the fact that but a few hours remained before the closing of the rolls of citizenship, no action was taken as to the notification of said parties as to their identification for the reason that the said Billy and Sam Nickey are residents of Paulding, Mississippi Bettie Russel Nickey of Mosell, Mississippi, and Mollie Mass Nickey of Sylvarena, Mississippi, and it would have

been impossible for them to have removed to and settled within the Choctaw-Chickasaw country and submitted proof thereof, as required by Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641), within time for their enrollment to have been approved by you on March 4, 1907."

March 16, 1907 (I. T. D. 8810-1907), the Department in reply to the Commissioner's letter, stated that it had no authority to further act in the case.

I believe that authority should be granted for the placing of the name of Maggie Nickey upon the final roll of Mississippi Choctaws, and that upon her compliance with the law, a final allotment of land be given her. As to the other applicants first named, I believe that a reasonable time, say six months, should be given them within which to establish a bona fide residence in the Choctaw-Chickasaw country, and that upon the proof of such settlement they be enrolled as Mississippi Choctaws, and upon their compliance with the law as related to Mississippi Choctaws, they be given final allotments of land in the Choctaw-Chickasaw country.

Clemogene Parve,
Elizabeth Parve,

On February 27, 1907, (I. T. D. 4712, 4764, 4770, 5186, 8226, 5418-1907, 1806-1906, 4824-1907), the Department reversed the decisions of the Commission, and the Commissioner to the Five Civilized Tribes, dated March 30, 1906, and December 31, 1906, respectively, rejecting the applications of Clemogene and Elizabeth Parve, among others for identification as Mississippi Choctaws, and ordered said applicants identified as such. In accordance with said decision the Commissioner, on March 8, 1907, rendered his decision identifying these applicants as fullblood Mississippi Choctaws. Said applicants were notified on March 2, 1907, of their identifications as Mississippi Choctaws and advised of what action was necessary on their part to protect their rights. It is apparent that said applicants did not have time to remove to, and make settlement in the Choctaw-Chickasaw country, and to make proof of such settlement within time to have their enrollment approved by March 4, 1907,

Sallie Charlas,
Minnie Charlas,
Bettie Charlas,
Louisa Charlas,
James Charlas,

On February 20, 1907, (I.T.D.3984-1907), the Department, in accordance with an approved opinion of the Assistant Attorney-General dated February 16, 1907, directed the Commissioner to identify the above named applicants as Mississippi Choctaw Indians. The Commissioner's decision in conformity with said direction, was rendered February 23, 1907....These applicants live in Leake County, Mississippi, and they did not have sufficient time after their identification within which to remove to and settle in the Choctaw-Chickasaw country and make proof of such settlement in time to secure their enrollment by March 4, 1907.

CHOCTAW AND CHICKASAW CITIZENS.

ACT OF JULY 1, 1902 (32 STAT., 641).

Mary King, Choctaw by blood.

Application was received by the Commission to the Five Civilized Tribes on December 20, 1902, for the enrollment of Mary King, born September 27, 1900, and living September 25, 1902, who is a child of Jesse King, whose name appears upon the approved roll of Choctaw citizens opposite No. 10778, and Alice King, nee Nicholas, whose name appears opposite Choctaw roll No. 9857. This application was received too late under the Act of July 1, 1902 for the child to have been enrolled when the application for it was received.

Reius Shields,
Barney Shields, Chickasaws by blood.

Applications forthe enrollment as citizens by blood of the Chickasaw Nation were received by the Commission to the Five Civilized Tribes on December 31, 1903, for Reius Shields, born January 10, 1900, and on October 12, 1904, for Barney Shields, born October 1, 1901. These applicants are the children of Simon and Mandy Shield (Shields), whose names appear opposite Nos. 637 and 253, respectively, upon the approved roll of citizens by blood of the Chickasaw Nation, and were living September 25, 1902.

Gilbert McKinney, Choctaw freedman.

Application was received on March 10, 1903, for the enrollment of this applicant as a Choctaw freedman. He was born September 2, 1900, and was living September 25, 1902, and is the child of Boling McKinney, whose name appears opposite No. 5536 upon the approved roll of Choctaw freedmen. The enrollment of Boling McKinney with his other four minor children was approved by the Department March 4, 1907, but the applicant, Gilbert McKinney, whose case was embraced in that of his father and sisters, was not enrolled. The Commissioner advised the Department in reference to this case in his letter of June 26, 1907, here in above referred to.

Lena Dumford, Choctaw freedman.

Application was received December 26, 1906, for the enrollment of Lena Dunford, born December 10, 1895, and who was living September 25, 1902, as a Choctaw freedman. Lena Dumford is a child of Terry Dumford, whose name appears opposite No. 3405 upon the approved roll of Choctaw freedmen, and Louisa Dumford, nee Hicks, to whom Terry Dumford was married about 1891 or 1892.

Della Chester, Choctaw freedman.

December 26, 1906, there was received an application for the enrollment of Della Chester as a Choctaw freedman.

Said Della Chester was born May 1, 1902, was living September 25, 1902, and is a child of Hester Chester, whose name appears opposite No. 872 upon the approved roll of Choctaw freedmen.

Martha Ann Owens,
Henry Owens, Choctaw freedmen.

Applications were received December 29, 1902, by the Commission to the Five Civilized Tribes for the enrollment of Martha Ann Owens, born November 18, 1899, and Henry Owens, born January 26, 1902, and who were living September 25, 1902. These applicants are the minor children of Tom and Charlotte Owens, whose names appear opposite Nos. 2779 and 2780, respectively, upon the approved roll of Choctaw freedmen.

Sephus Liggins,
Roberta Liggins, Choctaw freedmen

Applications for the enrollment of these children appear to have been received at the postoffice in Muskogee Indian Territory, on December 25, 1902, and at the office of the Commission to the Five Civilized Tribes on December 26, 1902. There is, however, a note placed upon the applications for their enrollment to the effect that they were "received December 25, 1902," but the question as to whether or not they were received within the time limited by the Act of July 1, 1902, was never determined by the Commission. They are the minor children of [redacted] the approved roll of Choctaw freedmen; they were born July 12, 1900, and April 26, 1902, respectively, and were living September 25, 1902.

The applications of the above named applicants, except that of Caroline Cole, for enrollment as citizens of the Choctaw and Chickasaw Nations appear to have been received

too late under the Act of July 1, 1902 to entitle them to enrollment under said act as citizens of said Nations. The applications were retained in the possession of the Commission, but they appear to have never received consideration, except the case of Gilbert McKinney, after the passage of the Act of April 26, 1906, extending the time for the reception of applications for enrollment to December 1, 1905, or to have been discovered between April 26, 1906, and March 4, 1907.

ACT OF APRIL 26, 1906 (34 STAT., 137).

CHOCTAW FREEDMEN NEW BORN

Si Johnson,
Charley Johnson,

Applications for the enrollment of these applicants appear to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906; they were born March 5, 1904, and May 2, 1905, respectively; were living March 4, 1906, [illegible] whose name appears opposite No. 784 upon the approved roll of Choctaw freedmen, and his wife, Mary Johnson, a non citizen of said Nation. The Commissioner, on March 4, 1907, received sufficient information to show that these children were entitled to enrollment as minor Choctaw freedmen, and on that day telegraphed the Department and recommended that their names be placed upon the roll.
The telegram appears to have been received on March 5, 1907, too late for said children to be enrolled.

Emerson James.

The application for the enrollment of this applicant appears to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906. Emerson James was born April 1, 1905, was living March 4, 1906, and is a minor child of Jim and Melly James, whose names appear opposite Nos. 3444 and 3451 respectively, upon the approved roll of Choctaw freedmen. Sufficient information to show that this child was entitled to enrollment was not received until March 4, 1907, and on that day the Commissioner telegraphed the Department and recommended that said child be placed upon the final roll of minor Choctaw freedmen. Said telegram appears to have not been received until March 5, 1907, too late for said child to be enrolled.

Carl Harrison,
Brillie Harrison.

It appears that applications were filed with the Commissioner to the Five Civilized Tribes on March 5, 1906, for the enrollment of Carl and Brillie Harrison. They are the children of Brigham Y and Mary Harrison, whose names appear opposite Nos. 1983 and 3469 respectively upon the approved roll of Choctaw freedmen. They are minors, ages about four and three years respectively, and were living March 4, 1906. Sufficient information was not obtained until March 4, 1907, to determine the right of these children to enrollment, and on that day Commissioner Kirby wired the Department and recommended that their names be placed upon the approved roll of Minor Choctaw freedmen; but the telegram appears to have not been received until March 5, 1907, too late for said children to be enrolled.

Ida Bird.

Application for the enrollment of this applicant seems to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906. Ida Bird was born about June 15, 1902, was living March 4, 1906, and is the child of Sophina Hall, whose name appears opposite No. 834 upon the approved roll of Choctaw freedmen. Information from which to determine the child's right to enrollment appears not to have been received until March 4, 1907, when the Commissioner telegraphed the Department and recommended that the name of said child be placed upon the approved roll of minor Choctaw freedmen. Said telegram appears to have not been received until March 5, 1907, too late for said child to be enrolled.

Estoria Hall.

Application for the enrollment of this applicant seems to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906. Estoria Hall was born May 2, 1900, was living March 4, 1906, and is a minor child of Thomas Hall and Malinda Hall (enrolled as Malinda Jones), whose names appear opposite Nos. 8380 and 819 respectively, upon the approved roll of Choctaw freedmen. Information from which to determine the child's right to enrollment appears not to have been received by the Commissioner until March 4, 1907, when Mr. Bixby telegraphed the Department and recommended that the name of said child be placed upon the approved roll of minor Choctaw freedmen. The telegram appears to have not been received until March 5, 1907, too late for said child to be enrolled.

Andy Butler,
Georgan Butler.

The application for the enrollment of these applicants under the provisions of the Act of April 26, 1906, was received July 25, 1906, and they were listed for enrollment on Chickasaw freedmen new born card No. 409, the application reciting that the same was made for the enrollment of the children as "freedmen of the Chickasaw Nation." February 20, 1907, the Commissioner dismissed

the application for their enrollment as Chickasaw freedmen in accordance with the approved opinion of the Assistant Attorney-General for the Interior Department dated November 15, 1906, holding that children of Chickasaw freedmen were not entitled to enrollment under the provisions of the Act of April 26, 1906.

In the caption of the application for the enrollment of these children it is recited that their father is a freedman of the Choctaw Nation, but in the affidavit of the mother as to the children's birth it is stated that their father is a citizen of the Chickasaw Nation. Andy and Georgan Butler were born October 17, 1902, and August 7, 1905, respectively, and are children of Charley Butler and Carrie Butler, whose name appears opposite No. 1716 upon the approved roll of Chickasaw freedmen. Subsequent to March 4, 1906, it was discovered that said Charley Butler is a duly enrolled Choctaw freedman, his name appearing opposite No. 2426 upon the approved roll of such citizens. Evidence of marriage on file with this office shows the lawful marriage of the parents of these children on April 19, 1900. The children were living on March 4, 1906, and were lawfully entitled to enrollment as Choctaw freedmen on March 4, 1907.

Mattie Burris,
Isaac Burris,
John Burris.

March 4, 1907, Commissioner Bixby rendered his decision granting the application for the enrollment as minor Choctaw freedmen under the Act of April 26, 1906, as amended by the Act of June 21, 1906 (34 Stat., 325), of Mattie, Isaac and John Burris. On that day the Commissioner telegraphed the Department of his action and recommended that their names be placed upon a schedule of minor Choctaw freedmen and approved by the Department. On that day he also addressed a letter to the Department confirming the telegram and transmitting the record of proceedings in the case. March 9, 1907 I.T.D. 2206-1907), the Department advised the Commissioner that his telegram was not delivered until March 8, 1907, and no further action could be taken in the case.

These children were born, Mattie April 28, 1901, Isaac December 8, 1903, and John Burris January 29, 1904, are the legitimate children of Turner Burris, whose name appears opposite No. 4870 upon the approved roll of

Choctaw freedmen, and Etta Burris, a non citizen, and were living March 4, 1906.

There is also called to the attention of the Department, for such action as it desires to take, the Mississippi Choctaw case of Mitchell C. Adams, referred to in the Indian Office letter of September 10, 1907, special reference being made to his application for the identification of his minor children.

January 13, 1906 (I.T.D.1312, 18094-1905), the Department approved the decision of the Commission to the Five Civilized Tribes dated January 19, 1905, denying the application of Mitchell C. Adams for the enrollment of himself and minor children, Lillie M., Nora M. and Mitchell C. Adams, Jr., as citizens by blood, and for the enrollment of his wife, Nannie C. Adams, as a citizen by intermarriage, of the Choctaw Nation. On March 3, 1907, Commissioner Bixby, having received a telegram dated March 2, 1907, from A. F. McCarr, who was an employe of the Commission then stationed in Washington, stating that the Department had directed the identification of Mitchell C. Adams, Lillie M. Adams, Nora M. Adams and William C. Adams (Mitchell C. Adams, Jr., died in 1898 or 1899), as Mississippi Choctaws, rendered his decision identifying them and on that day wired said employe of his compliance with

The Department's directions, and stated that as the records did not show that said persons had ever removed to and settled within the Choctaw-Chickasaw country, no action would be taken other than their identification. Subsequent to the rendition of said decision the Commissioner received the Department's decision in the case dated March 2, 1907 (I. T. D. 5748-1907), wherein the decision of the Commission of January 19, 1906, adverse to the applicants, was reversed except as to said Nannie C. Adams. This action was taken in accordance with the approved opinions of the Assistant Attorney General of February 20, 1907, and February 26, 1907. Said Mitchell C. Adams was ordered identified as a full blood Mississippi Choctaw Indian, and in connection with the identification of Adams' Children the Department states that:

> "In the concluding paragraph of the above cited opinion recommendation is made that no action should be taken at this time looking to the enrollment of Adam's family. This recommendation is approved only to the extent that they should not now be finally enrolled as citizens.
>
> In accordance with the approved opinion of the Assistant Attorney General of February 16, 1907, in the case of the infant children of Nicholas Charles, et-al., based on Section 2 of the act of April 26, 1906 (34 Stat., 137), the children of Mitchell C. Adams are entitled to identification as Mississippi Choctaws, if said children were minors living on March 4, 1906.
>
> It appears that when the record was made up Lillie M. Nora M. and William C. Adams were the living minor children of Mitchell C. Adams, and that Mitchell C. Adams, Jr., has since died.
>
> Accordingly you are also directed to identify Lillie M., Nora M., and William C. Adams as Mississippi Choctaws, following said opinion in the Charles case."

Mitchell C. Adams resides at Bluefield, West Virginia, and it would have been impossible for him to have removed to and settled within the Choctaw-Chickasaw country and submitted proof of such settlement within time for his enrollment to have been approved by the Department on March 4, 1907.

The children of Mitchell C. Adams, being of the mixed blood, and no attempt being made to prove that they are the descendants of a beneficiary under the fourteenth article of the treaty of 1830, were not entitled to identification as Mississippi Choctaw Indians under the Act of July 1, 1902. It is not clear as to the right of these children under the Act of April 26, 1906, considering their case in the light of the Department's decision in the Nicholas Charlas, et al., case above referred to, and its decision of May 25, 1908 (I.T.D. 3066, 17858-1905, 9022-1906), in the Willis Willis case. Had Mitchell C. Adams, after his identification as a Mississippi Choctaw Indian, made proof of settlement within the Choctaw-Chickasaw country and been duly enrolled as a Mississippi Choctaw, and his enrollment approved by the Secretary of the Interior, his said children would have been entitled to enrollment under the Act of April 26, 1906, as amended by the Act of June 21, 1906, as the minor children of a duly enrolled Mississippi Choctaw Indian, provided they were minors living March 4, 1906.

The Commissioner's decision in this case of March 3, 1907, is inclosed; the record in the case was transmitted to the Department October 21, 1905.

The records of proceedings in a number of the above cases have been heretofore forwarded, and, with the date of the letter of transmittal, are as follows:

Sallie Foster, Creek New Born,	February 27, 1907,
Clemogene Parvo, et al. Mississippi Choctaws (In consolidated case of Nancy Agleff, et al., M C R 2370).	December 21, 1906,
Gilbert McKinney, Choctaw Freedmen, (In case of Boling McKinney, et al).	February 26, 1907,
Mattie Burris, et al., Choctaw Freedmen New Born,	March 4, 1907,
Mitchell G. Adams, et al., Mississippi Choctaw.	October 21, 1905.

The records in the other cases above referred to are transmitted herewith.

Respectfully,

Commissioner.

JOR(LS)

Inc. 8-38.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90636

Muskogee, Oklahoma, December 14, 1910.

Mr. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment of Alta May Brassfield as a Cherokee citizen, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc. L-123

Blank 903

Name

Nation

Roll

D. Card No.

ENROLLMENT RECORD
Complete
~~as it is.~~

No.	Description	Date	Page	Amount
	Census Cards			
	Birth Affidavits			
	Death Affidavits			
	Memoranda			
	Testimony			
	Do.			
	do.			
	do.			
	Letters			
	Do.			
	do.			
	do.			
	Decision			
	Rolls			
	Miscellaneous			
	Total			
	Clerk			

Muskogee Ind T.
Nov 5, [illegible]
11 30 A M

Wagoner, Ind T.
Sep 28 19[illegible]4
7 30 P M

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Union Agency, Muskogee, Oklahoma.

(C O P Y)



Wagoner Ind T.
Nov 5 1904
7 P M

Muskogee Ind T.
Sept 28 1904
11 A M

Returned to Writer
from
Wagoner, I. T.

Nov 5 04

John Brassfield,

Wagoner, Indian Territory.

Cher 11034
Ben Bread

Cher 11034

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Hulburt, Oklahoma,, November 24, 1910.

In the matter of the application for the enrollment ad Cherokee citizens of Ben Bread and Jennie Bread, whose names appear on the Eastern Cherokee Roll, but do not appear on the final roll of the Commissioner to the Five Civilized Tribes.

Testimony taken before George Reed,
Clerk of the Commissioner of
Indian Affairs.

Wilson Bread being first duly sworn testified as follows, through R. L. Taylor, United States Indian Policeman, of Westville, Oklahoma, interpreter:

Q What is your name, age and postoffice address?
A Wilson Bread; about 30 years old; Hulbert, Oklahoma. (Cherokee roll No. 20778)
Q Are you married? A Yes sir.
Q What is the name of your wife? A Nannie Bread. (Cherokee roll No. 20779)
Q Are you and your wife enrolled Cherokee citizens?
A Yes.
Q Have you any children who have not been enrolled?
A Yes sir.
Q What are their names? A Ben Bread and Jennie Bread.
Q Where are they now? A They are here(indicating the children)
Q When was Ben Bread born? Give us the day, month and year if you can. A April 10, 1903.
Q When was Jennie born? A May 24, 1905.
Q Was any doctor or midwife present when these children were born?
A Yes-- no doctor, but my wife's mother was there when Jennie was born and my mother was present when Ben was born.
Q Have you any bible or other record showing when these children Ben and Jennie were born? A No, no record; just memory.
Q Are these children enrolled? A No,--don't know.
Q Did you ever make application for the enrollment of these children yourself, or did anyone for you?
A No, I don't know; I didn't do anything about it.
Q Can you in some way, fix the date of the birth of these children a little more closely? A No, only I remember it; Ben, he is pretty near eight years old and Jennie is six years her next birthday.

Witness excused.

Note: The children were present and appeared to be of the blood and age claimed.

2-Ben and Jennie Bread.

Celia Bread being first duly sworn testified as follows, through R. L. Taylor, United States Indian Policeman,, interpreter:

Q What is your name, age and postoffice address?
A Celia Bread,, about 65 years;; postoffice Hurlburt, Oklahoma. (Cherokee roll No. 18290)
Q You are an enrolled Cherokee citizen? A Yes.
Q Do you know Wilson and Nannie Bread? A Yes.
Q Do you know Ben Bread? A Yes, he's Wilson and Nannie's child.
Q Were you present at the birth of Ben Bread, son of Wilson and Nannie Bread? A Yes.
Q When was he born? A Pretty near eight years ago.
Q Can you give me the year, month and date? A Don't know the year, but it was April, seven years ago.
Q You are quite sure of that are you? A Yes, I remember it.
Q Have you any record of that date? A No, didn't put it down.
Q Where is Ben Bread now? A He is here; he is living with father and mother (indicating the child)
Q Can you not, in some more definite manner, give the date of the birth of Ben Bread? A No, I know it was seven years ago last spring.

Witness excused.

Katie Suagee,, being first duly sworn testified as follows, through R. L. Taylor, United States Indian Policeman, interpreter.

Q What is your name, age and postoffice address?
A Katie Suagee, about 45; Hulburt, Oklahoma.
Q Are you an enrolled citizen of the Cherokee Nation? A Yes.
Q Do you know Wilson and Nannie Bread, Cherokee citizens?
A Yes sir.
Q Do you know Jennie, the child of Wilson and Nannie Bread?
A Yes sir.
Q Were you present at the time Jennie Bread was born? A Yes.
Q When was that if you remember? A Five years ago last spring.
Q When was that? What year and month? or day, if you remember
A I don't know the days. They tell me it was May, 1905.
Q Have you any record of that date? A No, I didremember it.
Q Are you quite sure it was in May, 1905? A Yes sir.
Q How old is Jennie Bread now?A Past 5 years her last birthday
Q Is there no way by which you can fix the date more positively? A No, I just remember it; I never put it down.
Q Is Jennie Bread now living? A Yes, that's her (indicating) She lives with her father and mother.

Witness excused.

I, E. A. Mills, hereby certify that the above and foregoing is a true and correct copy of my long hand notes taken at Hulbert, Oklahoma, in the above entitled enrollment case, on November 14, 1910. E A Mills

Subscribed and sworn to before me this 2 day of December, 1910

T. P. Hanson
Clerk
[illegible]
Deputy

43.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

MEMORANDUM.

Ben Bread, minor full blood Cherokee, born Apr.10, 1903.
Jennie Bread, minor full blood Cherokee, born May 24, 1905.

Both above children produced at the hearing and appeared to be of the age and quantum of blood claimed.

The names Ben Bread and Jennie Bread appear upon the Eastern Cherokee roll opposite Nos. 5716 and 5717 respectively but not upon the F. C. T. roll.

Father- Wilson Bread, Hulbert, Okla., full blood Cherokee, Roll No. 20778.

Mother- Nannie Bread, full blood Cherokee, Roll No. 20779.

Witnesses, November 14, 1910, father, mother, Katie Suagee, of Hulbert, Okla., a midwife who attended at the birth of Jennie, and Celia Bread, of Hulbert, Okla., a midwife who attended at the birth of Ben.

Father testified that "my wife's mother was there when Jennie was born and my mother was present when Ben was born".

Recommended that Ben Bread and Jennie Bread be enrolled as minor full blood Cherokees.

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Ben Bread

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

(see Willie Ford)

this case is consolidated with that of Lewis Bread

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS RECEIVED JUL 24 1913

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906. 90635

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Ben Bread (Here insert name of child) born on the 10th day of April 1903

Name of Father: Wilson Bread a citizen of the Cherokee Nation.

Name of Mother: Nannie Bread a citizen of the Cherokee Nation.

Tribal enrollment of father Cher full bd. 10778 Tribal enrollment of mother Cher full bd. 10779

Postoffice Hulbert, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma

Cherokee County District.

I, Nannie Bread, on oath state that I am 30 years of age and a citizen by blood, of the Cherokee Nation; No. 10779

that I am the lawful wife of Wilson Bread, who is a citizen, by blood, of the Cherokee Nation, no. 10778; that a male [Male or Female] child was born to me on 10th day of April 1903; that said child has been named Ben Bread and was living March 4, 1906, and is still living with me.

her
Nannie X Bread
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Newton Street Washington D.C.
R. L. Taylor Westville Okla.

Subscribed and sworn to before me this 14th day of November 1910

R. P. Harrison, Clerk

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma

Cherokee County District.

I, Celia Bread, a midwife, on oath state that I attended on Nannie Bread, wife of Wilson Bread, on the about day of April 1903; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Ben Bread and is still living with its mother

her
Celia X Bread
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Newton St Washington D.C.
R. L. Taylor Westville Ok

Subscribed and sworn to before me this 14th day of November 1910

R. P. Harrison, Clerk

By A. Willis, Deputy

Notary Public.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Jennie Bread

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

New Case

This case is consolidated with the case of Ben Bread (Bunch) in its testimony

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Jennie Bread [Here insert name of child] born on the 24 day of May 1905

Name of Father: Wilson Bread a citizen of the Cherokee Nation.

Name of Mother: Nannie Bread a citizen of the Cherokee Nation.

Tribal enrollment of father Cher. Full - 20778 Tribal enrollment of mother Cher. Full Bl. 20779

Postoffice Hulbert, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma

Cherokee County District.

I, Nannie Bread, on oath state that I am 30 years of age and a citizen by blood of the Cherokee Nation; No. 20779

that I am the lawful wife of Wilson Bread, who is a citizen, by blood of the Cherokee Nation; No. 20778 that a female [Male or Female] child was

born to me on 24th day of May 1905; that said child has been named Jennie Bread and was living March 4, 1906, and is still living with me.

her
Nannie X Bread
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed Washington D.C.
R. L. Taylor Muskogee Okla

Subscribed and sworn to before me this 14th day of November 1906.

R. P. Harrison Clerk
By A. Ellis Deputy

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, State

Cherokee County District.

I, Katie Suagee a midwife, on oath state that I attended on Nannie Bread, wife of Wilson Bread

on the 24th day of May, 1905, that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Jennie Bread and is still living with its mother

her
Katie X Suagee
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed Washington D.C.
R. L. Taylor Muskogee Okla

Subscribed and sworn to before me this 14th day of November 1906

R. P. Harrison Clerk
By A. Ellis Deputy

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as Cherokee citizens of Ben and Jennie Bread, taken in the course of my investigation.

Respectfully,

Enc. L-69

Assistant Attorney.

Cher 11035
Andrew Cameron

11035

Department of the Interior.
Commission to the Five Civilized Tribes.
December 3, 1910.

In Re Application for Enrollment as a citizen of the Cherokee Nation of Andrew Cameron, who appears upon the Eastern Cherokee Roll opposite #6550, but does not appear upon the Final Roll of the Five Civilized Tribes.

John Cameron, being first duly sworn, testified through U. S. Indian Policeman, John B. Smith, of Moody, Oklahoma, as follows:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q What is your name, age and post-office? A John Cameron, about forty-four years old; Wauhillau, Okla.
Q Are you an enrolled citizen of the Cherokee Nation? A Yes. (Cherokee Roll #20870) Note: Here witness's attention was called to the fact that opposite Roll #20870, as given by him, appeared the name "John Campbell". Witness stated that he was sometimes called John Campbell, but that it was a mistake,-that his name was John Cameron, and that the members of his family were upon the Final Rolls of the Five Civilized Tribes as Campbell, but that they were his family and hould have been Cameron and not Campbbll.
Q Have you a child named Andrew Cameron? A Yes, but we sometimes call him Andy for short.
Q Who is the mother of your son Andy or Andrew Cameron?
A Olce Cameron.
Q Is she an enrolled Cherokee citizen? A Yes. (Cherokee Roll #20871)
Q When was your son Andy born? A In September, about eight years ago; I don't know the exact date.
Q Have you any record of the date of the birth of your son Andy? A Not now; I had one but I lost it.
Q So you have no way now of fixing the date of the birth of Andy except by your memomy? A No, sir.
Q Have you ever made application heretofore for the enrollment of your son Andy? A No, sir.
Q Why did you not make application for his enrollment?
A Just because I was a full-blood Indian, I guess. I knew that they were enrolling them, but I can't say why I didn't.
Q Is it your desire that your son Andy be now enrolled?
A Yes.
Q Is this child now living, and with whom? A Yes; he is living with me. (Child was seen and had the appearance of being of the age and blood claimed.)
Q Who was present when your son Andy or Andrew was born?
A I was present myself and Annie Christie, the grand-mother of Andy, but she is now dead.
Q Was there any doctor present when this child Andy was born? A No.

Olce Cameron, being first duly sworn, testified as follows, through John B. Smith, U. S. Indian Policeman:

Q State your name, age and post-office address? A Olce Cameron; about forty-eight years old; Wauhillau, Okla.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #20870)
Q Are you the mother of Andrew or Andy Cameron, the son of John Cameron? A Yes.
Q Who is the father of Andrew Cameron? A John Cameron.
Q Is he an enrolled citizen? A Yes. (Cherokee Roll #20870)
Q When was your son Andy born? A During September, about eight years ago.
Q How old is Andy now? A About eight years old.
Q Who is Andy living with now? A Living with me.
Q Who was present when your son Andy was born? A Annie Christie, and my husband, John Cameron.
Q Have you any record of the date of the birth of Andy, or do you know of any record that was kept? A We had a record, but it is lost.
Q You are quite sure that your son Andy is now about eight years old? A Yes.
Q Have you ever made any application for his enrollment as a citizen of the Cherokee ~~Nation~~ Nation? A No, sir.
Q Did you receive for him his share of the Eastern Cherokee Payment? A Yes, I got that money.

W. H. Byrd, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

W H Byrd

Subscribed and sworn to before me this 3 day of ~~December, 1910,~~ January 1911

R. P. HARRISON Clerk

P. A. Clemens Deputy

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90636

Cher. J. 130.

MEMORANDUM.

Andrew Cameron, on Eastern Cherokee Roll No. 6550, but not on P.C.T. roll, P. O. Wauhilla, Okla.

Born Sept. 1902, "eight years old", produced at the hearing and appeared to be of the age and blood claimed.

Patents "knew that they were enrolling them (children) but I can't say why ' didn't". No previous application to Dec. 3, 1910.

Father - John Cameron, enrolled as John Campbell, full-blood Cherokee, Roll No. 20870.

Mother - Olce Cameron, enrolled as Olce Campbell, full-blood Cherokee, Roll No. 20871.

Brother - Oolakunkuy or Will Cameron, enrolled as Oolakunkuy Campbell, full-blood Cherokee Roll No. 20875.

Sister - Susan Cameron, enrolled as Susan Campbell, Cherokee full blood, Roll No. 20878.

Father claims his whole family was enrolled, as Campbell, but that the correct name is Cameron. Child Andrew produced at the hearing, and appeared to be of the age and blood claimed.

Recommended that Andrew Cameron be enrolled as minor full-blood Cherokee, 8 years old.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....

as a citizen of

..... Nation.

Approved..... 190...

.....

Commissioner.

Act of Congress
Approved April 26
1906.

Choctaw, Received.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Lendy Cameron (Here insert name of child) born on the day of September 1902
Name of Father: John Cameron a citizen of the Cherokee Nation.
Name of Mother: Olce Cameron a citizen of the Cherokee Nation.
Tribal enrollment of father Cherokee #2087 Tribal enrollment of mother. Cherokee #2871
Postoffice Vaukillaw Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Cherokee County ~~District.~~

I, Olce Cameron, on oath state that I am about 48 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of John Cameron, who is a citizen, by Blood, of the Cherokee Nation; that a male [Male or Female] child was born to me on day of September 1902 that said child has been named Lendy Cameron and was living March 4, 1906, and is now alive and living with me. her Olce X Cameron mark

WITNESSES TO MARK:
[Must be Two Witnesses] { John B. Smith, P.O. Moody, Okla.
W. H. Byrd, Tahlequah, Okla.

Subscribed and sworn to before me this 31 day of December 1910

Seal

R. P. Harrison - Clerk.
By S. A. Mills - Deputy
~~Notary Public~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Cherokee County ~~District.~~

I, John Cameron, a ..... on oath state that I attended on Olce Cameron my wife or .....
on the day of September 1902 that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Andy Cameron, and he is now alive and living with his mother, his John X Cameron mark

WITNESSES TO MARK:
[Must be Two Witnesses] { John B. Smith, P.O. Moody, Okla
W. H. Byrd, Tahlequah, Okla

Subscribed and sworn to before me this 31 day of December 1910

Seal

R. P. Harrison, Clerk
By S. A. Mills - Deputy
~~Notary Public.~~

Cher 11036

Lesie Carey

Cher 11036

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Hulburt, Oklahoma, November 15, 1910.

In the matter of the application for the enrollment as a Cherokee citizen of Lesie Carey, who appears on the Eastern Cherokee roll, but does not appear on the final roll of the Commissioner to the Five Civilized Tribes.

Before George Reed,
Clerk of the Commissioner of
Indian Affairs.

Clem Carey being first duly sworn testified as follows, through United States Indian Policeman R. L. Taylor, interpreter:

Q What is your name, age and postoffice address?
A Clem Carey, going on 26 years old; I get my mail at Hulburt.
Q Are you an enrolled Cherokee citizen?
A Yes, full blood (Cherokee Roll No. 18279)
Q Are you married? A Yes.
Q What is your wife's name? A Nellie Carey.
Q Is she an enrolled Cherokee citizen?
A Yes (Cherokee roll No. 18280).
Q Are you living together as man and wife? A No, we are separated.
Q Was there born to you and Nellie Carey, while living as man and wife, a son? A Yes.
Q What is that child's name? A Lesie Carey.
Q Where is that child now? A Living with its mother.
Q How old is Lesie? A Five years old last month.
Q When was Lesie born? A In October, 1905.
Q What day, if you remember, of the month of October?
A Thirtieth day of October.
Q Have you a record of thedate of the birth of this child?
A No.
Q How do you fix the date of the birth of Lesie as being October 30, 1905? A I know it was just five years ago last month; I never put it down .
Q Did you know of anyone that did make a record of the birth of Lesie? A No.
Q Who was present when this child Lesie was born?
A Betsy Blossom.
Q Have you heretofore made application for the enrollment of this child Lesie? A No.
Q Why didn't you make application to the Dawes Commission for his enrollment? A He wasn't living with me.
Q What do you mean by saying he wasn't living with you?
A We was separated.
Q Has this child always lived with its mother? A Yes.
Q Have you any way of fixing the exact date of the birth of this child by record or through any other witness?
A No-- I know that's right.

Witness excused.

Note: The child was present and had every appearance of the blood and age claimed.

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JUL 24 1913
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2-Carey:

Nellie Carey being first duly sworn, testified as follows, through interpreter, R. L. Taylor.

Q What is your name, age and postoffice address?
A Nellie Carey, about 30 years old; Hulburt, Oklahoma.

Q Have you a child not enrolled? A Yes.
Q What is that child's name? A Lesie Carey.
Q Who is Lesie's father? A Clem Carey.
Q Is he a full blood Cherokee citizen? A Yes.
Q Are you a full blood Cherokee citizen? A Yes sir.
Q Are you enrolled as such? A Yes (Cherokee Roll No. 18280)
Q How old is your child Lesie? A Five years old.
Q When was Lesie born? A October 30, 1905.
Q Have you a record of the date of the birth of Lesie?
A No.
Q Who was present when Lesie was born? A Betsey Blossom.
Q Is Betsey Blossom a relative of yours? A Aunt.
Q Are you now separated from Clem Carey? A Yes.
Q Has the child always lived with you since the separation?
A Yes.
Q How do you fix the date of the birth of your child Lesie so positively as being October 30, 1905?
A Just remember it; we talk about it every once in a while and don't forget it.
Q Have you ever applied for the enrollment of Lesie? A No.
Q Why didn't you make such application? A Because I thought it was too late. Didn't know how about it.

Witness excused.

Betsey Blossom being first duly sworn testified as follows, through interpreter, R. L. Taylor:

Q What is your name, age and postoffice? A Betsey Blossom, about 70 years old; Hulburt, Oklahoma.
Q Have you been enrolled as a Cherokee citizen?
A Yes (Cherokee Roll No. 30471).
Q Do you know Clem and Nellie Carey A Yes.
Q Did Nellie have a child born to her named Lesie? A Yes.
Q Were you present? A Yes.
Q Can you give me the year, month and day Lesie was born?
A I don't know the year.
Q Is the child over or under 5 years old? A Over 5 years old
Q Have you any record of the date of the birth of Lesie? A No.
Q Is Nellie Carey the wife of Clem Carey? A Yes, she was; they have been separated.
Q Where is Lesie now? A There is he (indicating child) living with his mother

Witness excused.

I, S. A. Mills, hereby certify that the above and foregoing is a true and correct copy of my long hand notes taken in the above entitled enrollment case at Hulburt, November 15,1910.

S A Mills

Subscribed and sworn to before me this 1 day of December,1910

R. P. Hainer
Clerk of the United States Court
foe the Eastern District of Oklahoma by D W B
Deputy

33.

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MEMORANDUM.

Lesie Carey - miner full blood Cherokee, born October 30, 1906, still living.

Name appears on Eastern Cherokee roll, No. 6701, but not on E. C. T. roll.

Father - Clem Carey - full blood Cherokee, roll No. 18279.

Mother - Nellie Carey - full blood Cherokee, roll No. 18280.

Witnesses - Nov. 15, 1910- father, mother and an aunt, Betsey Blossom who is a midwife.

Parents separated and the child is living with its mother.

Mother failed to make prior application because she "thought it was too late. Didn't know how about it."

Child produced and appeared to be of the age and degree of blood claimed.

Birth affidavit executed and filed.

Recommended that Lesie Carey be enrolled as a miner full blood Cherokee.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Lessie Carey

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

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JUL 24 1913
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BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Lessie Carey (Here insert name of child) born on the 30th day of October 1905
Name of Father: Clem Carey a citizen of the Cherokee Nation. No. 18279
Name of Mother Nellie Carey a citizen of the Cherokee Nation. No. 18280
Tribal enrollment of father Cherokee 18279 Tribal enrollment of mother Cher. full bl. no. 18280
Postoffice Tahlequah, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma
Cherokee County District. }

I, Nellie Carey on oath state that I am 30 years of age and a citizen by blood of the Cherokee Nation. No. 18280 that I am the lawful wife of Clem Carey who is a citizen, by blood of the Cherokee Nation; that a female child was born to me on 30th day of October 1905; that said child has been named Lessie Carey and was living March 4, 1906, and is now living with me near Tahlequah Oklahoma.

Nellie Carey

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 15th day of November 1906

R. P. Harrison, Clerk
By D. Ellis Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma.
Cherokee County District. }

I, Betsie Blossom a midwife, Cher. full bl. No. 30479 on oath state that I attended on Nellie Carey wife of Clem Carey on the 30th day of October 1905; that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Lessie Carey and is now living with its mother.

her
Betsie Blossom
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed No. 1488 Newton St. Washington D.C.
.....

Subscribed and sworn to before me this 15th day of November 1906

R. P. Harrison, Clerk
By D. Ellis, Deputy Notary Public.

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Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as a Cherokee citizen of Lesie Carey, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-68

Cher 11037

Charles Catcher or Tehee, Jr.

Cher 11037

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DEPARTMENT OF THE INTERIOR,

MUSKOGEE, OKLAHOMA, FEBRUARY 2, 1911.

In the matter of the application for the enrollment of Charles Catcher (Tee-hee) as a citizen by blood of the Cherokee Nation.

Proceedings had before Edward Merrick, Law Clerk to Commissioner to the Five Civilized Tribes.

CHARLES CATCHER, being first duly sworn and examined through sworn interpreter, Blue Murphy, testified as follows:

BY MR. MERRICK:

Q What is your name? A Charles Catcher, Jr.
Q How old are you? A 33.
Q What is your postoffice address? A Choteau.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Have you been enrolled and received and allotment? A No sir
Q What degree of Cherokee blood do you claim? A Full-blood.
Q You desire to be placed upon the Cherokee rolls if it is possible, do you? A Yes sir.
Q Did you at any time prior to this make application for enrollment as a citizen of the Cherokee Nation? A No sir.
Q Do you know why you did not apply? A I took my father's advice.
Q You mean to say that your father advised you not to make application? A Yes sir, my father has always refused to make application and I followed him.
Q Was your father know as a night hawk Cherokee? A Yessir.
Q What is the name of your father? A Charles Catcher.
Q Do you know whether he is enrolled or not? A I guess he is on the roll. The officers came out there and arrested him and put him on the roll.
Q What Cherokee district does your father belong to?
A Saline.
Q What was the name of your mother? A I can't remember.
Q Is she living? No sir.
Q How long has she been dead? A A Must be about 28 years. years ago, I was only a year old.
Q Did your father marry again after the death of your mother?
A Yes sir.
Q What was the name of the second wife? A Lou.
Q Do you know what district she belonged to? A Emma district, Saline.

NOTE:

It appears from an examination of the records of this office that Charles Catcher, father of the witness, is identified on the 1896 and 1880 Cherokee Tribal Rolls, Saline District, and that said Charles Catcher and his wife, Lou Catcher, were regularly enrolled as full-

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JUL 24 1913

blood Cherokees opposite Roll Nos. 18069 and 18070, respectively.

Q Lou Catcher is your step mother is she? A Yes sir.
Q Do you know whether your name appears upon any of the tribal rolls of the Cherokee Nation? A I don't know.
Q Did your father ever go by any other name than Charles Catcher? A Just Cherokee name, Charles Tee-hee.
Q Your father then was called Charles Tee-hee also? A Yes sir

NOTE:

It appears from an examination of the Cherokee tribal rolls that Charles Catcher, father of the witness, is identifi d on the 1880 roll by the name of Charles Tee-hee.

Q Are you yourself called by any other name than Charles Catcher? A Some people call me Tee-hee, when I went to school I was called catcher.

Q Is Teephee a Cherokee name? A Yes sir.

NOTE:

It appears from an examination of the Cherokee tribal rolls that the witness, Charles Catcher, Jr., is identified on the 1896 Cherokee Census Roll, page 1026, No. 1337, Saline District, as Charles Tee-hee, Jr.
It appears from an examination of the 1880 roll that the witness is identified on said roll, page 670, No. 1191, Saline District, as Charles Tee-Hee, the witness's name being in the same family with that of his father, Charles Catcher or Ch rles Tee-hee, whose No. on the 1880 Roll is 1189.

Q Have you any brothers or sisters? A No sir, none living.

Had one siste r but she is dead.
Q You have none on the roll? A No sir.

Q The records show that your father was a full-blood Cherokee, I will ask you what blood your mother was, if you know?
A I could'nt say, I suppose she was a full-blood.
Q You calim to be a full-blood yourself do you? A Yes sir.
Q You don't speak very much english? A No sir.
Q Where was you born? A In Saline district.
Q Cherokee Nation? A Yes sir.
Q Have you lived there all of your life? A Yes sir.
Q And you live in the Cherokee Nation now do you? A Yes sir.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Ellen.
Q Is she a Cherokee citizen? A Yes sir, she is on the roll as Ellen Murphy.
Q Is your wife enrolled and has she an allotment? A No sir she never received and allotment.
Q Under what name is your wife enrolled? A Murphy.
Q Did you wife have a daughter before you married her? A
A Yes sir.

Q What was the name of your daughter? A Eva Murphy.

NOTE:

It appears from an examination of the records of this office that the wife of this witness is enrolled as a 1/2 blood Cherokee opposite Roll No. 21334, and it further appears that there has been no allotment, arbitrary or otherwise, made to the said Ellen.

Q Have you any children by you wife Ellen? A Yes sir.
Q How many have you had? A Five.
Q What is the name of the oldest one? A Lokie.
Q Do you know when Lokie was born? A November 15, 1903.
Q Is she living? A No sir.
Q When did she die? A She liked 8 days being a year old when she died.
Q What is the name of the next child? A It only lived a little while.
Q It was not named? A No sir.
Q How long did it live after it was born? A No time hardly.
Q What is the name of the next child? A Rebecca
Q Do you know when Rebecca was born? A As best as I remember it was 1907.
Q Do you know what month? A September 18.
Q Is Rebecca living? A Yes sir.
Q What is the name of your next child? A Tom.
Q Do you know when Tom was born? A I can't remember.
Q How long after Rebecca's birth was it until Tom was born.
A Pretty near two years.
Q Is Tom living? A Yes sir.
Q What is the name of the next child? A William.
Q When was William born? A He is not a year old yet, in 1910.
Q Rebecca, Tom and William were born subsequent to March 4, 1906, were they? A Yes sir.

(Witness excused)

BLUE MURPHY, being first duly sworn and examined, testified as follows:

Q What is your name? A Blue Murphy.
Q What is your age? A 28.
Q What is your postoffice address? A Murphy.
Q Are you acquainted with the witness Charles Catcher, Jr.?
A Yes sir.
Q How long have you known him? A Ever since I could recollect
Q Does he reside in the Cherokee Nation? A Yes sir.
Q Do you know whether he is a Cherokee by blood or not?
A Yes sir, he Cherokee by blood.
Q Does he speak english to any extent? A A little.
Q He understands the english language? A Yes sir.
Q Does he speak Cherokee, A Yes sir.
Q What is the name of his father? A Charles Catcher.
Q Does Charles Catcher go by any other name? A Charles Tee-hee or Catcher.
Charles Tee-hee or Catcher? A Yes sir.
Q Some times known by both names? A Yes sir, when I went to school with Charles Catcher, Jr. I knew him by the name of Charles Catcher.

Q Is he considered a full-blood Cherokee in the neighborhood where he lives? A Yes sir.
Q Do you know why he was never enrolled of your own personal knowledge? A Yes sir, they could not get him to come in and enroll when they were taking the census there. Bruce Jones was clerk and he went to the house and Charles hid from him and later on he found out that his parents were wrong.
Q You mean that they could not find him on the roll under the name of Charles Catcher? A Yes sir, Tem-hee or Catcher either one.
Q What roll do you refer to, do you mean the Dawes Commission rolls A Yes sir.
Q You are not referring to the Cherokee tribal rolls?
A No sir.
Q Was the father of the claimant a member of the night hawks?
A Yes sir.
Q And opposed to enrollment and allotment? A Yes sir.

Lee G. Grubbs, being first duly sworn, states that the above and foregoing is a true and correct copy of his stenographic notes taken in said cause and on said date.

Lee G. Grubbs

Subscribed and sworn to before me on this the 4th day of February, 1911.

R. P. HARRISON, CLERK

By Edward Merrick
Deputy.

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MEMORANDUM.

Cherokee Jacket No. 184.

Charles Catcher, jr., also known as Charles Tehee, jr.; P.O., Chouteau, Okla.; 33 years old, born in Cherokee Nation, is a Nighthawk, took his father's advice and refused to apply for enrollment.

The name of Charles Catcher, jr., appears on the 1896 Cherokee Census Roll, page 1026, No. 1337, Saline District, as Charles Tehee, jr. Applicant also identified on 1880 Cherokee Roll , 670, No. 1191, Saline District, as Charles Tehee, the witness's name being on the same family with that of his father, Charles Catcher, or Charles Tehee, whose number on the 1880 roll is 1189.

Father: Charles Catcher, Cherokee Roll No. 18069; full-blood.
Mother: Deceased full-blood; died before enrollment began.

His wife is enrolled as Ellen Murphy, Cherokee Roll No. 21334; 1/2 blood; with her daughter Eve Murphy, No. 21335, 3/4 blood.

Has three living children, Rebecca, born Sept. 18, 1907; Tom, born two years afterwards; and William; all born since March 4, 1906.

Recommended that Charles Catcher, jr., be enrolled as a full-blood Cherokee, and that Rebecca Catcher, Tom Catcher, and William Catcher, be denied enrollment as not living March 4, 1906.

Cher 11038
Nancy Catron

Cher 11038

WHA
Cher

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Department of the Interior,
Commission to the Five Civilized Tribes,
Wewoka, I. T., June 11, 1913.

In the matter of the application of Nannie Crittenden, for the enrollment of herself and her son John Crittenden, as citizens of the Cherokee Nation:

NANNIE CRITTENDEN, being duly sworn, and examined by the Commission through official interpreter John B. Adair, testified as follows:

Q What is your name ? A Nannie Crittenden.
Q What is your age ? A 19 years.
Q What is your post office address ? A Wewoka, I. T.
Q In what district do you reside ? A Tahlequah.
Q For whom do you make application ? A For myself and my child.
Q What is the name and age of your child ?
A John Crittenden, age about eight months old.
Q Is he living ? A Yes sir.
Q Do you claim to be a Cherokee by blood? A Yes sir.
Q What degree of Cherokee blood do you claim ? A One-half.
Q Have you ever been recognized as a citizen by the tribal authorities of the Cherokee Nation ? A Yes sir.
Q Does your name appear upon the tribal rolls of the Cherokee Nation ? A Yes sir.
Q What is the name of your father ? A Nels Crittenden.
Q Is he living ? A Yes sir.
Q Is he a full blood Cherokee ? A Yes sir.
Q In what district does he reside ? A Goingsnake.
Q What is the name of your mother ? A Katie Rider.
Q Is she living ? A Yes sir.
Q Is she a white woman ? A Yes sir.
Q Does she claim to be an intermarried citizen of the Cherokee Nation ? A Yes sir.
Q In what district does she reside ? A Tahlequah.
Q Have you resided in the Cherokee Nation all your life ?
A Yes sir.
Q What is the name of the father of your child John Crittenden ?
A John Catron.
Q Is he living ? A Yes sir.
Q Is he a full blood Cherokee ? A No sir.
Q Is he a white man ? A I think he is about half Cherokee.
Q Are you married to him ? A No sir.
Q Do you live with him as man and wife ? A Yes sir, as much as we can.
Q Do you know how long your father and mother lived together ?
A I don't know.

KATIE RIDER, called as a witness, being duly sworn, and examined by the Commission, testified as follows:

Q What is your name ? A Katie Rider.
Q What is your age ? A 38.
Q What is your post office address ? A Wewoka, I. T.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q You are a white woman are you not ? A Yes sir.
Q You claim to be a citizen by intermarriage ? A Yes sir.
Q Do you know Nannie Crittenden ? A Yes sir.
Q Is she your daughter ? A Yes sir.
Q What is the name of her father ? A Nelson Crittenden.
Q Was he your husband ? A Yes sir, we lived together.
Q How long did you live with Nelson Crittenden ? A Five years.
Q Did you live with him continuously during that time ?

A Yes sir, I lived with him until he left me.
Q Was he a full blood Cherokee ? A No sir, he was about 3/4 Cherokee.
Q Were you married to anyone before you were married to Nelson Crittenden ? A No sir.
Q Was he married previous to your living with him ? A No sir.

MANNIE CRITTENDEN, re-called, testified as follows:

Q Were you ever known by any other name than Mannie Crittenden ?
A That's all.
Q Did you ever have any other given name besides Mannie ?
A No sir.
Q Have you a sister by the name of Jennie Crittenden ?
A Yes sir.
Q Is she elder or younger than you ? A She's elder.

--The 1896 Cherokee roll examined and the name of Mannie Crittenden is found and identified thereon as Mannie Crittenden, at page 1155, # 689, Tahlequah District, together with the name of her sister Jennie Crittenden, at page 1155, # 688, Tahlequah District;
--The 1880 Cherokee roll examined and the name of the father of Mannie Crittenden is found and identified thereon as Nelson Crittenden, at page 422, # 433, Goingsnake District;

The Commission: It will be necessary for you to furnish a birth affidavit in the case of your child John Crittenden, made by yourself and the midwife who was in attendance at his birth, before his enrollment as a citizen of the Cherokee Nation can be completed.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this JUL 15 1902, 1902.

Commissioner.

MEMORANDUM

Cher. J 169

John Catron- minor Cherokee by blood, born Oct. 19, 1902

Nancy Catron- minor Cherokee by blood, born Feb. 7, 1904.

Father- John Catron.

Mother- Nannie Carey, wife of Nelson Carey, No. 18281, formerly Nannie Catron, 1/2 blood Cherokee, whose father was Cornelius Crittenden and her mother was Katie Rider.

Father- John Catron- an alleged half breed, roll number not given.

Witnesses- Nannie Carey the mother and Katie Rider the grandmother- hearing had ~~Jan. 20, 1911~~ Nov 22 1910. No previous application. March 30, 1911. Commissioner to the Five Civilized Tribes requested to furnish further information.

April 1, 1911, the Commissioner to the Five Civilized Tribes was requested to report if his records showed the enrollment of Nannie Carey, wife of Nelson Carey, formerly wife of one John Catron, Cherokee by blood.

April 5, 1911 the Commissioner reported that John Catron No. 27804, is not identical with John Catron, the former husband of Nannie Carey.

Nannie [illegible] Nannie Crittenden No 23294. 19-I 3/8 10343 Allotted

John [illegible] John Crittenden No 23295 1 M 7/16 10843

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90635

DEPARTMENT OF THE INTERIOR.

Muskogee, Oklahoma, January 20th, 1911.

-----oOo-----

In the matter of the application for the enrollment of John and Nancy Catron as Minor Cherokees by blood.

Testimony taken by W. C. Pollock, Assistant Attorney, Interior Department, about nine miles north of Hulbert, Oklahoma, November 22nd, 1910.

Nannie Carey, sworn and examined, testified as follows:

By Mr. Pollock:

Q What is your name? A Nannie Carey.
Q Have you a child you want to put on the roll? A Yes.
Q What is the child's name? A John Catron.
Q Do you know how old John is? A No answer.
Q What was your name before you married Carey? A Nannie Catron.
Q Are you a full blood Cherokee? A About a half.
Q What was your father's name? A Cornelius Crittenden.
Q What was your mother's name? A Katie Rider.
Q What was your husband's first name? A John Catron.
Q Was he married before he married you? A Yes.
Q Is this his child (pointing to child)? A Nancy.
Q Do you know John Emma Catron? A Same family.
Q Have you a child by Catron? A Two.
Q What is the oldest one's name? A John Catron.
Q How old is John? A Eight years old.
Q When was he eight years old? A October 19th.
Q Last month? A Yes.
Q He is still living? A Yes.
Q How old is Nancy Catron? A Six.
Q When was she six? A Last February, the 7th.
Q The 7th of last February she was five years old? A Yes.
Q Be six next February? A Seven next February.
Q Neither one on the roll? A No.
Q Did you get any land? A Yes, they filed me.
Q Who was with you when John was born? A My mother.
Q What was your mother's name? A Katie Rider.
Q Who was with you when Nancy was born? A Same woman.
Q What is your present husband's name? A Nelson Carey.
Q What is your post office? A Hulbert.
Q How old are you? A Twenty-six years old.

Witness excused.

Katie Rider, sworn and examined as a witness, testified as follows:

Q What is your name? A Katie Rider.
Q How old are you Mrs. Rider? A Fifty-eight years old.
Q Do you know Nannie Carey? A That's my daughter.
Q How old is Nannie? A Twenty-six years old.

Q What was her first husband's name? A John Catron.
Q Did she have any children by John? A Two of them.
Q What is the first one's name? A Johnnie.
Q Do you know when he was born? A October 19th.
Q Do you know what year? A No sir.
Q Do you know how old he is now? A Eight years old.
Q Eight years old last October? A Yes sir.
Q Were you with her when he was born? A Yes sir.
Q This is Johnnie here is it? A Yes sir, that little boy there.
Q What is the next child's name? A Nancy Catron. There she is right there (pointing).
Q How old is Nancy? A Six years old.
Q Do you know when she was born? A She was born in January.
Q Do you remember the year? A No sir, I can't tell you the year.
Q Will she be six years old next January, or seven years old? A Be seven; she was six last January.
Q How much Indian blood has Nannie? A She is a half breed.
Q What was her father's name? A Cornelius Crittenden.
Q Is he dead? A No sir, he's living.
Q Is he a full blood? A Yes sir.
Q Have you any Indian blood? A No sir.
Q Is your husband on the roll? A Yes sir.
Q He got his land? A Yes sir.
Q Did your daughter here get her land? A Yes sir, they filed her.
Q Was any record made when these children were born? A I don't know.

Witness excused.

Nannie Carey recalled.

Q Nannie I want to ask you was John Catron an Indian? A Yes.
Q How much Indian blood? A About half breed. His mother is a full blood.
Q Is he on the Cherokee roll? A I don't know. I guess he is on the roll.
Q Is he living or dead? A He's living.

Witness excused.

Albert G. McWilliam, being duly sworn, states that he reported the proceedings had in the above entitled cause and that the foregoing is a true and correct transcript of his stenographic notes.

Albert G. McWilliam.

Subscribed and sworn to before me this 20th day of January, 1911.

Edward Kanick,
Notary Public.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

F O R F I L E

Land-
Allotment
Cher. J 169
G R

Apr 1 1911

Request for information.

The Commissioner

to the Five Civilized Tribes

Muskogee, Okla.

Sir:

For consideration of a recommendation in the matter of an application for the enrollment of John and Nancy Carey as minor Cherokees by blood, you are requested to advise this Office if your records show the enrollment of Nannie Carey wife of Nelson Carey of Hulbert, Okla., 26 years old, formerly the wife of one John Catron, as a Cherokee citizen by blood and if so, give her enrollment number.

Please ascertain also if John Catron the former husband of Nannie Carey has been enrolled or is identical with John Catron number 27804, 43 years of age, 3/8 blood Cherokee.

Respectfully,

(Signed) C. F. Hauke,

Second Assistant Commissioner.

3-MsS-30

Refer in reply to the following:
Dept. 596-1911
Land-
Allotments
Cher. J 169
G R

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

RECEIVED
JUL 24 1913
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OFFICE OF INDIAN AFFAIRS
APR 10 1911
31595

Cherokee Enrollment.

Muskogee, Oklahoma, April 5, 1911.

The Honorable

Commissioner of Indian Affairs.

Sir:

I have the honor to acknowledge receipt of letter of your Office of April 1, 1911, requesting advice as to whether the records of this office show the enrollment of Nannie Carey, the wife of Nelson Carey, formerly the wife of one John Catron, as a Cherokee by blood, and if so, that her enrollment number be given. Information is also requested as to whether John Catron, the former husband of Nannie Carey, has been enrolled or is identical with John Catron, No. 27804.

In reply thereto I have the honor to advise that I am unable to identify Nannie Carey as a citizen of the Cherokee Nation, and the records of this office fail to show that Nelson Carey is married..

It appear further that John Catron, No. 27804, is the only person of that name who is enrolled; his wife is Emma Catron, a non-citizen, to whom he was married in 1883. A former wife, whose name is not given in the testimony in this case, is said to be dead.

Respectfully,

WSDM(LS)

Commissioner.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

Washington, December 28, 1911.

The Commissioner to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Nancy Carey, formerly Catron, and formerly Crittenden, has presented the names of two children, John Catron, alleged to have been born in October, 1902, and Nannie Catron, alleged to have been born in February, 1904.

I find on the roll of Cherokees by blood at No. 32394 the name Nannie Crittenden, 19 years old. I find on the same roll at No. 32395 the name John Crittenden, one year old, both being on Census Card 10843. In the testimony submitted November 22, 1910, it was stated that Nannie Carey was then 26 years old, the daughter of Cornelius Crittenden, alleged to be a full-blood Indian, and Katie Rider, a non-citizen.

It seems probable that Nannie Carey and John Catron, her son, are identical with the persons enrolled at Nos. 32394 and 32395. Will you please advise me as early as convenient what the records in connection with the enrollment of these persons show as to their parentage, blood, etc. I cannot identify Cornelius Crittenden on the final rolls.

Very respectfully,

Assistant Attorney.

Refer in reply to the following:

JCK.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

OFFICE OF INDIAN AFFAIRS
RECEIVED
JAN 24 1913
90635

Muskogee, Oklahoma. December 31, 1911.

Hon. W.C. Pollock,

Assistant Attorney, Interior Department.

Washington, D.C.

Sir;

Receipt is acknowledged of your letter of December 28, 1911, in which you wish to be advised what the records show relative to the parentage and blood of Nannie Crittenden, Cherokee roll No. 32394 and John Crittenden on the same roll at No. 32395.

Replying thereto you are advised that the records of this office show Nannie Crittenden to be enrolled as a 3/8 blood Indian at No. 32394, her fathers name being Nelson Crittenden enrolled as a full blood at No. 20798, and her mother Katie Rider a non-citizen. John Crittenden enrolled as a 7/16 blood Cherokee at No. 32399 was born October 3, 1901, and is the son of Nannie Crittenden enrolled at the No. above stated and John Catron a non-citizen who were living as man and wife.

A copy of the testimony taken at the time application was made for the enrollment of Nannie Crittenden and her son John Crittenden is herewith enclosed.

Respectfully,

K.- 1.

Commr.

Cher 11039

Peggy Catron

Cher 11039

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

Department of the Interior.
Commission to the Five Civilized Tribes.
December 2, 1910.

In Re Application for Enrollment of Peggie and Maggie ~~Dreadfulwater~~ Catron, as shown opposite Eastern Cherokee Roll numbers 7020 and 7021, and not shown upon the Final Rolls of the Five Civilized Tribes.

Mary Catron, being first duly sworn, testified through Thomas P. Roach, interpreter, as follows:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q What is your name, age and post-office address? A Mary Catron, - Mary Catron Dreadfulwater, formerly Mary Catron; age about thirty years; post-office, Welling, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes. (Here witness submits certificate of allotment, showing Mary Catron, Cherokee Roll #25924).
Q Have you any children who are not enrolled as Cherokee citizens? A Yes.
Q What are their names? A Peggie Catron and Maggie Dreadfulwater.
Q Is Peggie Catron living? A Yes, and going to school at Welling.
Q How old is Peggie Catron? A Eight years old.
Q What is the name of Peggie Catron's father? A Toolie Catron.
Q Is he an enrolled Cherokee citizen? A Yes. (Cherokee Roll #29972).
Q Who is the father of Maggie Dreadfulwater? A John Dreadfulwater.
Q Is he an enrolled Cherokee citizen? A Yes, sir. (Here witness submits certificate of allotment issued to John Dreadfulwater, showing Cherokee Roll number to be 18398.
Q What is the age of Maggie Dreadfulwater? A About six years old.
Q Is Maggie Dreadfulwater now alive? A She is dead.
Q When did she die? A Died last September, a year ago.
Q Have you a record of the dates of the birth of Peggie Catron and Maggie Dreadfulwater, and the date of the death of Maggie Dreadfulwater?
A Yes.
Q Please let me see that record. (Here witness submits a book in which is written in Cherokee, which is interpreted by ~~Thomas P. Roach, interpreter,~~ to read "Peggie Catron, born April 17, 1903, and Maggie Dreadfulwater born September 9, 1905").
Q This record book which you have presented as being your family record does not show the date of the death of your child, Maggie,-please explain how that is also, and what you remember as to the date of the death of Maggie?

A I never put it down, bust just remembered it, but I remember that the date of her death was September 14, 1909.
Q Was this record made by you? A Yes.
Q When was this record made? A On the dates as shown in said record.
Q Is the father of Peggie Catron, Toolie Catron, living now.
A He is alive, but we separated about six years ago, and I then married John Dreadfulwater, the father of Maggie.
Q Is the father of Maggie Dreadfulwater now living? A Yes.
Q Was your deceased child , Maggie, also known as Maggie Catron? A Yes, sir.
Q Was there ever any application made for the enrollment of of your children, Peggie and Maggie heretofore? A No, sir. Peggie's father became insane and was taken to the asylum and never made application for Peggie
Q Was any application ever made for the enroll ment of Maggie Dreadfulwater by John Dreadfulwater, her father, or anyone else that you know of? A No, sir; we were told that it was too late to enroll Maggie and we didn't make any application.
Q Who was present when Maggie was born? A Polly Towel, but she is now dead
Q Who was present when Peggie was born? A Polly Towel.

Belle Dick, being first duly sworn, testified through Thomas P. Roach, interpreter, as follows:

Q What is your name, age and post-office address? A Belle Dick, age twenty-two, Welling, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes.
Q Under what name and roll number were you enrolled? A Belle Dirteater, Roll #18898.
Q Do you know Mary Catron Dreadfulwater? Yes.
Q Is she a Cherokee citizen? A Yes, full-blood. (Cherokee Roll #23924).
Q How long have you known Mary Catron Dreadfulwater?
A About fifteen years.
Q Did you know her first husband, Toolie Catron? A Yes.
Q Was there a child born to her named Peggie while the wife of Toolie Catron? A Yes.
Q Is that child now living? A Yes.
Q When was this child Peggie born? A About eight years ago.
Q Have you a record, or do you know of any record of the date of the birth of this child? A No, I have none; the mother ~~has a record~~.
Q Do you know of Mary Catron Dreadfulwater having a child named Maggie? A Yes.
Q What is the name of the father of this child Maggie?
A John Dreadfulwater
Q Is that child Maggie now living? A No, the child is dead.
Q When did it die? A A little over a year ago.

Q Have you a record of the date of the birth of that child Maggie? A No, sir; the mother has a record.
Q Were you present at the time of the birth of Peggie and Maggie? A No; I wasn't present when they were born, but I was present two or three days after the birth of Maggie and about a week after Peggie was born.
Q Do you know if any application has ever been made for the enrollment of Peggie and Maggie? A No, sir, I don't know.

W. H. Byrd, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

W. H. Byrd

Subscribed and sworn to before me on this the 3rd day of December, 1910.

January

R. P. HARRISON Clerk
By P. A. Harrison, Deputy

OFFICE OF INDIAN AFFAIRS
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1 Cher. J. 123

MEMORANDUM.

Peggie Catron on Eastern Cher. roll No. 7020 not on F.C.T. rolls, born April 17, 1903, still living, produced at the hearing and appeared to be of the age and blood claimed.

Maggie Dreadfulwater, born Sept. 9, 1905, died Sept. 14, 1909.

Mother, Mary Catron Dreadfulwater, enrolled as Mary Catron, Cher. roll No. 25924, full blood.

Father, of Peggie Catron, was Toolie Catron, Cher. roll No. 39972, (5/8) full blood, separated from the mother of the child and he afterwards became insane and was sent to the asylum and for that reason made no application to enroll Peggie.

Father of Maggie, was John Dreadfulwater, Cher. roll No. 18392, ⅝ degree blood.

Recommended that Peggie Catron be enrolled and that Maggie Dreadfulwater, deceased, be not enrolled.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

....

as a citizen of

..... Nation.

Approved..... 190...

.....

Commissioner.

Act of Congress Approved
April 26, 1903

Choctaw

Received.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Peggie Catron (Here insert name of child) born on the 17th day of April 1903
Name of Father: Doolie Catron a citizen of the Cherokee Nation.
Name of Mother Mary Catron Dreadfulwater citizen of the Cherokee Nation.
Tribal enrollment of father Cherokee #2992 Tribal enrollment of mother Cherokee #23-924
Postoffice Welling, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~ State of Oklahoma,
Cherokee County District.

I Mary Catron Dreadfulwater on oath state that I am about 30 years of age and a citizen by Blood of the Cherokee Nation; that I ~~am~~ was the lawful wife of Doolie Catron, who is a citizen, by Blood of the Cherokee Nation; that a Female (Male or Female) child was born to me on 17th day of April 1903; that said child has been named Peggie Catton and was living March 4, 1906, and is now alive and living with me.

Mary Catron Dreadfulwater
P.O. Welling Okla

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 2nd day of December 1910

Seal

R. P. Harrison - Clerk
By S. A. Mills, Deputy
~~Notary Public~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
District.

I Belle Dick Roll #1898 a ~~.....~~, on oath state that I ~~was present at the birth of~~ ~~.....~~ ~~living the mother~~ ~~on the~~ ~~day~~ of April 1903; that there was born to her ~~in wedlock~~ a Female (Male or Female) child; that said child was living March 4, 1906, and is said to have been named Peggie Catron, and is now alive and living with its mother.

Her
Belle X Dick
mark
P.O. Welling Ok

WITNESSES TO MARK:

[Must be Two Witnesses] W. H. Byrd Tahlequah, Okla.
Thomas P. Rogers, Muskogee Ok.

Subscribed and sworn to before me this 2nd day of December 1910

Seal

R. P. Harrison - Clerk.
~~Notary Public~~
By S. A. Mills,
Deputy

BIRTH AFFIDAVIT 199

OFFICE OF INDIAN AFFAIRS RECEIVED JUL 24 1913

90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Maggie Dreadfulwater (Here insert name of child), born on the 9th day of September 1905.

Name of Father: John Dreadfulwater a citizen of the Cherokee Nation.

Name of Mother: Mary Catron Dreadfulwater a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee ✱ 18398 Tribal enrollment of mother. Cherokee ✱ 25924

Postoffice Welling Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Cherokee County, District.

I, Mary Catron Dreadfulwater, on oath state that I am about 30 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of John Dreadfulwater, who is a citizen, by Blood of the Cherokee Nation; that a Female [Male or Female] child was born to me on 9th day of September 1905.; that said child has been named Maggie Dreadfulwater and was living March 4, 1906. but is now dead having died September 14-1909.

Mary Catron Dreadfulwater
P.O. Welling Okla

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 2nd day of December 1906

R. P. Warrison Clerk
By ... Deputy Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Cherokee County, District.

I, Belle Dick, Roll ✱ 18498, a ..., on oath state that I ~~was present at the birth~~ attended Mary Catron Dreadfulwater wife of John Dreadfulwater during the month of September 1905.; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906 and is said to have been named Maggie Dreadfulwater and said child Maggie is now dead, having died in September 1909.

Belle X Dick
mark
P.O. Welling Okla

WITNESSES TO MARK:

[Must be Two Witnesses] W. W. Boyd, Tahlequah, Okla.
Thomas P. Reed, Muskogee, Okla.

Subscribed and sworn to before me this 2nd day of December 1906

R. P. Warrison
By ... Deputy Notary Public

Cher 11040
Pearl Christian

Department of the Interior.
Commission to the Five Civilized Tribes.
Wagoner, Oklahoma.
January 4,1911.

In Re application for enrollment as citizens of the Cherokee Nation of Parl, Willie and Belle Christian, who appear upon the Eastern Cherokee Roll opposite numbers 7394, 7395 and 7396, but not shown upon the Final Roll of the Five Civilized Tribes.

- - - - - - - - - - - - - -

William T. Christian, being first duly sworn, testified as follows:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q State your name, age and post-office address? A William T. Christian; age 39 years; post-office Wagoner, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes, sir.
Q What is your Roll number? (Here witness submits certificate allotment #66580 showing roll number to be 17944.
Q Have you a family? A Yes, sir.
Q Who comprises your family? A Belle Christian, my wife, Parl, Willie and Belle.
Q Are either of these three children enrolled upon the Final Rolls of the Five Civilized Tribes? A No, sir.
Q Are they enrolled upon the Eastern Cherokee Roll? A Yes.
Q Did these children participate in the distribution of the Eastern Cherokee Emigrant Fund? A Yes, sir.
Q Is your wife an enrolled Cherokee citizen? A No, sir, she is a white woman.
Q When was your child Parl born? A 14th day of February, 1902.
Q What date was your son, Willie, born? A 27th day of March, 1904.
Q And what is the date of the birth of your child Belle? A April 16, 1906.
Q Have you a written record of the dates of the birth of these children? A We had one, but lost it when our home burned sometime ago
Q Who was present at the birth of these children? A Dr. Mendinghall, of Tulla was present when Parl was born, who lives at French Ferry was present when Belle was born, and Mrs. Harris, who lives down on Dirty Creek waited on my wife when Willie was born.
Q Are all three of these children living, Parl, Willie and Belle? A Yes, sir, and living with us, here they are,(indicating the children)
Q Have you ever made application for the enrollment of these children on the Final Rolls of the Five Civilized Tribes? A I went to Muskogee once to have them enrolled but the Commission told me that the time for having them enrolled had expired, and I never done anything more in regard to it.

Belle Christian, being first duly sworn, testified as follows:

Q State your name, age and post-office address? A Belle Christian, age 35 years, post-office Wagoner, Oklahoma.
Q Are you the wife of William T. Christian? A Yes, sir.
Q When and where and by whom were you married? A We were married at Ft. Gibson, Oklahoma, by a circuit preacher, but I don't remember the preacher's name.
Q Where is your liscense showing your marriage? A It is burned up,—at the time our home was burned—the liscense we got at Tulsa, but we were married at Ft. Gibson by a circuit preacher.
Q Are you the mother of Parl, Willie and Belle Christian?
A Yes, sir.
Q Are these children the children of William T. Christian?
A Yes, sir.
Q When was your daughter, Parl, born? A 14th day of February, 1902.
Q When was your son, Willie, born? A 27th day of March, 1904.
Q And your daughter, Belle, ? A 16th day of April, 1906.
Q How do you fix the date so positively when each of these children were born?
A I had it in the bible but it was burned, and I just remember it.
Q Are you positive beyond any question of a doubt that the dates you have given me as being the dates of the birth of Parl, Willie and Belle are true and correct? A Yes, sir.
Q Are you an enrolled Cherokee citizen? A No, sir, I am a white woman.

Note: Children were present at the examination and appeared to be of the ages and blood claimed, as shown by the evidence of the father and mother, and that the child Belle, who appears upon the Eastern Cherokee Roll opposite #7306, and shown to be one year old on May 28, 1906, was in fact at that time less than two months old, and was not born and living prior or on March 4, 1906.

- - - - - - - - - -

W. H. Byrd, being first duly sworn, states that the above and foregoing is a true transcript of his stenographic notes taken in this case.

Wm. H. Byrd

Subscribed and sworn to before me on this the 4th day of January, 1911.

W. P. Harrison
Clerk
By [illegible] Deputy

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

Cher. J. 166

MEMORANDUM.

Pearl Christian, born Feb. 14, 1902, Eastern Cher. roll No. 7394.

Willie Christian, born March 27, 1904, " " " 7395.

Belle Christian, born April 16, 1906, " " " 7395.

Neither enrolled on F. C. T. roll.

Children produced at hearing and appeared to be of the age and blood claimed.

Father, William T. Christian, P. O. Wagoner, Okla., 1/4 blood Cherokee, Roll No. 17944.

Mother, Belle Christian, white woman, not enrolled.

Witnesses-Jan. 4, 1911, father and mother.

Father testified as to previous application "I went to Muskogee once to have them enrolled but the Commission told me that the time for having them enrolled had expired and I never done anything more in regard to it".

Birth affidavit filed.

Recommended that Pearl Christian and Willie Christian be enrolled as minor Cherokees by blood and that Belle Christian born April 16, 1906 and not living March 4, 1906 be denied enrollment.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Pearl Christian, born on the 14th day of February, 1902
[Here insert name of child]
Name of Father: William T. Christian, a citizen of the Cherokee Nation.
Name of Mother: Belle Christian, now a citizen of the Nation.
Tribal enrollment of father Cherokee Roll 1924 Tribal enrollment of mother none
Postoffice Wagoner, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, [Indian Territory,] State of Oklahoma
Wagoner County District.

I, Belle Christian, on oath state that I am 36 years of age and a citizen by now of the Nation;
that I am the lawful wife of William T. Christian, who is a citizen, by
Blood of the Cherokee Nation; that a Female child was
[Male or Female]
born to me on 14th day of February, 1902; that said child has been named
Pearl Christian and was living March 4, 1906 and is now
living with me. Belle Christian

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 4th day of January, 1914
R. P. Harrison - Clerk
By S. A. Mills - Deputy Notary Public (Seal)

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA, [Indian Territory,] State of Oklahoma
Wagoner County District.

I, William T. Christian, a ....., on oath state that I
attended on Belle Christian wife of
on the 14th day of February, 1902, that there was born to her on said date a Female child; that said child was living March 4, 1906, and is said to have been named Pearl Christian
[Male or Female]
and is now living with me. William T. Christian his mark

WITNESSES TO MARK:
W. N. Byrd
[Must be Two Witnesses] S. A. Mills, Muskogee Okla.

Subscribed and sworn to before me this 4th day of January, 1914 (Seal)
R. P. Harrison Clerk
By S. A. Mills Deputy Notary Public.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Willie Christain, born on the 27th day of March 1904
[Here insert name of child]
Name of Father William T. Christain a citizen of the Cherokee Nation.
Name of Mother: Belle Christain now a citizen of the Nation.
Tribal enrollment of father Cherokee Roll #1974 Tribal enrollment of mother none
Postoffice Wagoner, Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Wagoner County ~~District~~.

I, Belle Christain, on oath state that I am 36 years of age and now a citizen by ..... of the ..... Nation;
that I am the lawful wife of William T. Christain, who is a citizen, by
Blood of the Cherokee Nation; that a male [Male or Female] child was
born to me on 27th day of March 1904; that said child has been named
Willie Christain, and was living March 4, 1906 and is now
alive and living with me. Belle Christain

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 4th day of January 1911

Seal. R. P. Harrison - Clerk.
~~Notary Public~~
By S. A. Mills, Deputy

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Wagoner County ~~District~~.

I, William T. Christain, a ....., on oath state that I
attended on Belle Christain, my wife of .....
on the 27th day of March 1904; that there was born to her on said date a male [Male or Female]
child; that said child was living March 4, 1906, and is said to have been named Willie Christain
and he is now alive and his
living with us. William T. X Christain
mark

WITNESSES TO MARK: W. N. Byrd
[Must be Two Witnesses] S. A. Mills, Muskogee, Okla.

Subscribed and sworn to before me this 4th day of January 1911

Seal. R. P. Harrison - Clerk.
~~Notary Public~~
By. S. A. Mills - Deputy

Certificate of Marriage of Dft husband will follow in mail in a few days

Cher 11041
Frank Christie

"Probable duplicate of Blank
Thompson Cher NB (minor)
3984"

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 21 1913

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Stilwell, Oklahoma, November 4, 1910.

90635

In the matter of the application for the enrollment as a Cherokee citizen of Frank Christie, whose name appears on the Eastern Cherokee roll, but does not appear on the final roll of the Commissioner to the Five Civilized Tribes.

Testimony taken before George Reed,
Clerk of the Commissioner of
Indian Affairs.

Polly Charles, being first duly sworn testified as follows, through Interpreter,, Johnson Sixkiller of Baptist, Okla.

Q What is your name, age and postoffice address? A Polly Charles,, about 23; Stilwell, Oklahoma.
Q Are you enrolled as a Cherokee citizen?
A Yes, full blood (Cherokee Roll No. 20023)
Q What is it you wish? A I came to see about enrolling my child (indicating the child)
Q What is his name? A Frank ~~Crittenden~~ Christie.
Q How old is he? A Born March 25, 1905.
Q What is his father's name? A Watt Christie.
Q Is he an enrolled Cherokee citizen? A Yes, full blood (Cherokee roll No. 20496.)- 20946.
Q Is Watt Christie your husband? A No.
Q You say Watt Christie is the father of this Frank Christie; were you ever married? or lived together as man and wife?
A No.
Q How is it you claim Watt Christie to be the father of your child Frank Christie? A Well, he's the father.
Q Did you ever live with him as man and wife? A No.
Q You say Frank Christie was born March 25, 1905; how old do you call Frank Christie? A Five years past.
Q Who does Frank Christie live with--you or Watt Christie?
A With me.
Q How is it you call this child Frank Christie when you were never married to Watt Christie who you say was his father, and you have never lived with Watt Christie?
A We just give him his father's name.
Q Have you a record of the date of the birth of Frank Christie, this your child? A No.
Q Who was present at the time of the birth of this child, Frank Christie? A Lizzie Tarepen.
Q Anyone else present; doctor or neighbors or any members of your family? A No.
Q Have you ever heretofore made application for the enrollment of this child? A No.
Q Why not? A I didn't know anything at all about it until I heard today, when I was told you people was enrolling children who hadn't already been enrolled.

Q Can you, in any manner other than you have mentioned, fix the date of the birth of this child by some record or event so that we may be sure as to the date of his birth? A No, I was too young; I didn't knowenough about it, and I was ashamed.
Q Whe is Frank Christie living with now? A With me.

Witness excused.

Note: The child was present and appeared to be of the age and blood claimed.

Lizzie Tarepen, being first duly sworn, testified as follows, through interpreter, Johnson Sixkiller,, of Baptist,, Okla..

Q What is your name, age and postoffice address?
A Lizzie Tarepen; over 50 years; Stilwell, Oklahoma.
Q Do you know Polly Charles, a Cherokee citizen?
A Yes, there she is (indicating Pollie Charley)
Q Are you enrolled as a Cherokee citizen?
A Yes, full blood (Cherokee roll No. 19554)
Q Do you know Frank Christie, a Cherokee child?
A Yes there he is (indicating child).
Q Who is his mother? A Pollie Charles.
Q Who is his father? A They tell me Watt Christie; I don't know.
Q Were you present at the birth of Frank Christie? A Yes.
Q Who else was present, if anyone, if you can recall them?
A No one, just Polly and me.
Q When was that? A Over five years ago.
Q What month--what year if you know? A March, 1905.
Q Have you a record of that date? A No.
Q How do you fix it so positively.
A We talk it over and I remember it.
Q Have you any way of determining the date more positively?
A No, we talk about it; I remember; that's all I know.
Q How old will Frank Christie be next birthday, next year?
A Six years old.
Q How do you arrive at that as being his next birthday?
A I know it.

Witness excused.

I, S. A. Mills, hereby certify that the above and foregoing is a true and correct copy of my long hand notes, taken im the above entitled enrollment case at Stilwell, Oklahoma on November 4, 1910.

S. A. Mills

Subscribed and sworn to before me this 1 day of December, 1910

R. P. Harrison
Clerk of the United States Court for the Eastern District of Oklahoma,

By C. M. [illegible] Deputy

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
00685

MEMORANDUM.

Frank Christie, minor full blood Cherokee, born March 25, 1905, living and produced at hearing- illegitimate.

Father - Watt Christie, full blood Cherokee, roll No. 20046.

Mother- Polly Charles- full blood Cherokee, roll No. 20023.

Witnesses- Nov. 4, 1910- mother and Lizzie Tarepin who attended on mother at birth of child. Parents were never married.

No prior application made by mother because "I didn't know anything at all about it until I heard today when I was told you people were enrolling children who hadn't already been enrolled".

Mother insists on child taking surname of father- Christie.

Birth affidavit filed.

Recommended that Frank Christie be enrolled as a minor full blood Cherokee.

New Card

BIRTH AFFIDAVIT. 199

OFFICE OF INDIAN AFFAIRS RECEIVED JUL 24 1913

90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Frank Christie, a full blood Cherokee (Here insert name of child) born on the 25th day of March 1905

Name of Father: Watt Christie a citizen of the Nation.

Name of Mother: Polly Charles a citizen of the Cherokee Nation. No 19053

Tribal enrollment of father Tribal enrollment of mother Cherokee by blood

Postoffice Stilwell, Oklahoma,

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ Adair County
State of Oklahoma District.

I, Polly Charles, on oath state that I am 22 years of age and a citizen by blood, of the Cherokee Nation; that I am not the lawful wife of Watt Christie, who is a citizen, by blood, of the Cherokee Nation; that a male [Male or Female] child was born to me on 25th day of March 1905; that said child has been named Frank Christie and was living March 4, 1906. and is still living and present.

Polly Charles

WITNESSES TO ~~MARK~~:

[Must be Two Witnesses]

Subscribed and sworn to before me this 4th day of November 1960

R. P. Harrison, Clerk
By S. Mills, Deputy ~~Notary Public~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Adair County. District.

I Lizzie Sarepan, a Cherokee by blood, No 19654 a midwife who attended on Polly Charles ~~mother~~ on oath state that I ~~am not~~ attended on Polly Charles on the 25th day of March 1905; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Frank Christie and is now living with its mother Polly Charles near Stilwell, Okla. her Lizzie Sarepan

WITNESSES TO MARK:

[Must be Two Witnesses] George Reed 1488 Newton Washington Dc. mary
Charles Wilson Westville Okla

Subscribed and sworn to before me this 11th day of November 1960

R. P. Harrison, Clerk
By S. Mills, Deputy ~~Notary Public~~

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as a Cherokee citizen of Frank Christie, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-57

COPY.

Office of Indian Affairs
Received Jul 24 1913
20635

Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as a Cherokee citizen of Frank Christie, taken in the course of my investigation.

Respectfully,

Enc. L-57

Assistant Attorney.

Cher 11042
James Christie

11042

Department of the Interior.
Commission to the Five Civilized Tribes.
December 1, 1910....

In Re Application for enrollment as a citizen of the Cherokee Nation of Jimm Christie.

Peggie Thornton, being first duly sworn, testified, through Thomas P. Roach, Interpreter, as follows:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q What is your name, age and post-office address?
A Peggie Thornton, age fifty-six years, post-office, Wauhillau, Oklahoma.
Q Are you an enrolled Chrokee citizen? A Yes, sir.
Q Full-blood? A Yes, sir. (Cherokee Roll #1782.
Q Do you know Goback Christie and his wife, Susan? A Yes.
Q Are you well acquainted with them and their family? A Yes.
Q What are the names of the children of Goback and Susan Christie? A Annie, Watt, Jim and Amos.
Q How old is Annie? A About thirteen (Cherokee Roll #29160)
Q How old is Watt? A About twelve (Cherokee Roll #29161.)
Q How old is Jim? A About ten years old.
Q How old is Amos? A About eight years. (Cherokee Roll #4887-M)
Q Do you know if Goback and Susan Christie and their children are enrolled as Cherokee citizens? A They all have land except Jim.
Q Was you present when Jim was born? A No; I was present when Annie was born, but not when the others were born. I was there the next day after Jim was born.
Q When was Jim born, if you know? A I don't remember.
Q You stated that Jim was now ten years old,-how do you fix that time at ten years old? A By what the parents have told me and of my own recollection of it being about ten years ago, for the children were born about a year apart. Q Have you ever heard the parents of Jim ever speak of his enrollment or of his obtaining land as a Cherokee citizen?
A No, sir.
Q Do you know what the general attitude or feeling of Goback Christie and his wife Susan as to the enrollment and allotment of lands in the Cherokee Nation? A They are Nighthawks and are opposed to enrollment and allotment.
Q Then, if the names of themselves or their children were ever presented for enrollment it would have to be by some-one else other than themselves (Goback and Susan Christie) for the enrollment of their children? A Yes, sir.
Q Is this Jim Christie, the child to whom you have now testified about, now living, and if so, with whom is he living?
A Yes, he is still living and living with his parents.
Q Are they your nearest neighbors? A Yes; my neighbors on the next adjoining place

William Eubanks, being first duly sworn, testified as follows, under date of December 3, 1910.

Q State your name, age and post-office address? A William Eubanks; my age is sixty-nine years to-day; my post-office address is Tahlequah, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes, sir. (Cherokee Roll #16599, taken from certificate of allotment submitted by witness)
Q Do you know one Goback Christie and his wife, Susan?
A Yes, sir.
Q Do you know the members of their family--the children, their names and their ages? A I know their names.
Q What are their names and their ages ? A Annie about thirteen; Watt, I don't know his age, and Jim must be about ten years old, and Amos between five and six years old.
Q You state that there is one some named Jim or James who is now about ten years old, do you know if this James Christie has been enrolled as a Cherokee citizen. A My impression is that I enrolled him.
Q You state that it is your impression that you enrolled him; please explain to me why you say you enrolled him. A I was employed by the Dawes Commission to go up in that neighborhood, the Wauhillau section, for the purpose of enrolling thos children, and while there I enrolled Goback Christie's children.
Q While you were enrolling the family of Goback Christie, do you recall this child called James or Jim Christie? A I am not positive, but it strikes me that they had a boy named James, and it was my intention to enroll him, and if he wasn't enrolled it was through some inadvertancy. I am confident that I enrolled all the children of that family, or at least intended to.
Q Please state what you did with the roll that you say you were making of the children in the Wauhillau section or district? A I submitted it to the Dawes Commission.
Q Then that list should contain the name of Jim or James Christie, about ten years of age, and as being an enrolled son of Goback and Susan Christie? A Yes.
Q And if such name does not appear upon the roll submitted by you, then same should be now added? A Yes.
Q With the roll submitted by you to the Dawes Commission for the enrollment of citizens in the Wauhillau district or section in 1906, was there submitted proofs of the dates of the birth of the children? A Yes, sir.
Q Do you re-call being furnished with the proofs of the dates of the birth of the children of Goback and Susan Christie at the time you were there enrolling them? A Yes.
Q The same was forwarded and submitted with the roll that you were then making to the Dawes Commission? A Yes.
Q Are you familiar with the conditions in enrolling citizens of the Cherokee Nation, are you? A Yes
Q Did you ever hold any position of trust? A Yes, I have held several. I was interpreter for the Cherokee Senate for several years, and I was Clerk of the Supreme Court at one time; Clerk of the Cherokee Senate and Council several times; then

I have acted as interpreter on several different Commissions,- I have done a lot of work in that line.
Q Do you know whether or not Goback Christie is unfavorable to enrollment and allotment of lands? A He was once arrested and taken before the Dawes Commission for the purpose of being enrolled.

Note: The child, Jim or James Christie, was seen on December 1, 1910, at the home of his father, Goback Christie, and seemed to be of the age and blood claimed. The father, Goback Christie, refused to give any information of any kind or character.

W. M. Byrd, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

W M Byrd

Subscribed and sworn to before me this 3 day of December, 1910.

R. P. HARRISON Clerk

P A Chickasaw Nation

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90636

Cher. J. 125.

MEMORANDUM.

Jim Christie, born 1900, ten years old, P. O. Wauhilla, Okla., child Jim or James Christie was seen on Dec. 1, 1910, at the home of his father, Goback Christie and appeare d to be of the age and blood claimed.

Father - Goback Christie, Cher. roll No. 29158, 3/4 degree blood.

Mother - Suman Christie, Cher. roll No. 29159, 3/4 degree blood.

Sister - Annie Christie, Cher. roll No. 29160, 3/4 degree blood.

Brother - Watt Christie, " " " 29161, 3/4 degree blood.

Parents are nighthawks and were arbitrarily enrolled by William Eubanks of Tahlequah, Okla., in the employ of the Dawes Commission. He thought he had enrolled the entire family of Goback Christie including Jim or James, but finds that inadvertently Jim Christie was omitted.

It is recommended that Jim Christie be enrolled as a Cherokee of a 3/4 degree blood.

Cher 11043
Maggie Christie

11043

Department of the Interior.
Commission to the Five Civilized Tribes.
December 1, 1910.

In Re Application for Enrollment of Maggie Christie as a citizen of the Cherokee Nation.

Callie Young, being first duly sworn, testified through Thomas P. Roach, Interpreter, as follows:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q State your name, age and post-office. A Callie Young; age twenty-nine; post-office, Wauhillau, Okla.
Q Are you an enrolled Cherokee citizen? A Yes, sir, full-blood. (Cherokee Roll #2038)
Q Are you well acquainted with George and Lucy Christie?
A Yes, sir.
Q How long have you known them? A I have known them all my life, as a neighbor.
Q Do you know the members of George & Lucy Christie's family? A Yes.
Q Please give me the names of the children of George and Lucy Christie, commencing with the oldest. A Katie (Cherokee Roll #26065). She is about twenty-six years old. Betsy, who is about twenty-four years old. (26066); Lacy, about twentyone (Cherokee Roll #26067); Ned, about eighteen years old, (Cherokee Roll #26068); Susie, about sixteen (26069); Annie, about fourteen (Cherokee Roll #26070), and Maggie, about eleven years old. (This one does not appear upon the Roll).
Q Is this Maggie living? A Yes, sir.
Q Where is she living? A Living with her parents.
Q Do you know if these children, including Maggie, have been enrolled and allotted lands as Cherokee citizens or not?
A I know the others have been enrolled, but not the youngest one, Maggie.
Q Is George and Lucy Christie opposed to allotment?
A Yes, they are Nighthawks.
Q Have you ever heard George or Lucy Christie speak relative to the enrollment of their youngest child, Maggie?
A They don't know whether it is enrolled or not.
Q Do you know whether or not any application has ever been made for the enrollment of this Maggie Christie ? A I don't know.
Q Do you know the date of the birth of this child Maggie Christie? A No, sir, I don't know. My child is about six years old and there is about six years difference in the ages of the two children.
Q What is your child's name? A Charley Smith.
Q Is he an enrolled Cherokee citizen? A Yes, sir. (Cherokee Roll #2318-M.

Charles R. Gourd, being first duly sworn, testified as follows:

Q What is your name, age and post-office address? A Charles R. Gourd; age thirty-four years, full-blood; post-office Wauhillau, Oklahoma. (Cherokee Roll 14,220).
Q Are you acquainted with the family of George and Lucy Christie? A Yes.
Q How long have you known them? A For the past twenty years.
Q What are the ~~xxxx~~ names of the wife and children of George Christie? A His wife's name is Lucy, and there is Katie, Betsy, Lacy, Susie, Annie, and Maggie. Maggie is about twelve or thirteen years of age.
Q Is this child, Maggie, now living? A Yes.
Q Who is she living with? A Living w th her parents.
Q Do you know if this Child Maggie has been enrolled or not? A I don't know.
Q Do you know whether or not any application has heretofore been made for the enrollment of Maggie Christie? A No, sir, I don't.
Q Is George Christie, the father of Maggie Christie, in favor of enrollment and allotment? A I suppose he is opposed to it.
Q Is he a member of what is know as the Nighthawk organization, or is he considered as such. A I reckon so.

Note: Maggie Christie, the applicant, was seen at her father's home, and seemed to be of the age and blood claimed. Her father, George Christie, would not answer inquiries made in relation to this child, but did, indirectly corroborate the above testimony as to the date of her birth, that is, her apparent age.

W. M. Byrd, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

W. M. Byrd

Subscribed and sworn to before me this 3 day of December, 1915.

R. P. HARRISON Clerk.

P. A. Edmiston Deputy

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 21 1913
90635

MEMORANDUM.

Cherokee Jacket No. 127.

Maggie Christie. P.O., Wauhillau, Okla. About 12 years old, living with her parents, who are Nighthawks, and refuse to give any information relative to her. Child seen at the home of her parents, and appears to be of the age and blood claimed.

Father: George Christie, Cherokee Roll No. 2663; 3/4 blood.
Mother: Lucy Christie, Cherokee Roll No. 2664; full-blood.

Sisters are Katie Christie, No. 26065, 7/8 blood; Betsey Christie, No. 26066, 7/8 blood; Susie Christie, No. 26069, 7/8 blood; Annie Christie, No. 26070, 7/8 blood; and brothers enrolled as Lacy Christie, No. 26067, 7/8 blood, and Ned Christie, No. 26068.

Witnesses: Callie Young, of Wauhilla, Okla, next-door neighbor, and Charles R. Gourd, who has known her parents for 20 years.

Recommended that Maggie Christie be enrolled as a 7/8 blood Cherokee.

Cher 11044
Gussie Chuculate

Cher 11044

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR,

MUSKOGEE, OKLAHOMA, JANUARY 31, 1911.

In the matter of the application for the enrollment of Gussie Chuculate as a minor citizen by blood of the Cherokee Nation.

Proceedings had before Charles F. Bliss, Supervising District Agent.

JIM CHUCULATE, being first duly and examined through official interpreter, Tom Roach, testified as follows:

BY MR. BLISS:

Q What is your name? A Jim Chuculate.
Q How old are you? A About 27.
Q What is your postoffice address? A Hulbert.
Q Are you married? A Yes sir.
Q What is your wife's name? A Katie.
Q Is she living? A Yes sir, she is living 1/2 mile from Hulbert.
Q You are living together, are you, as husband and wife? A Yes, sir.
Q She is a full-blood Cherokee? A Yes sir.
Q Is Katie the only wife you ever had? A Yes sir, that is the only woman I married but I kept this woman before I was married.
Q What woman do you refer to? A To the mother of the child I want to enroll.
Q What is the name of this woman? A Nellie Bearpaw.
Q Who was Annie Rosin? A That is my uncle's child.
Q Is she any relation to Nellie Bearpaw? A No sir.
Q Who was Swimmer Rosin? A That is my uncle's child.
Q Did Nellie Bearpaw live with Swimmer? A Swimmer was married to Nellie's mother.

NOTE:

Nellie Bearpaw is identified upon the roll of citizens by blood of the Cherokee Nation opposite Roll No. 25767.

Jim Chuculate if identified upon the final roll of citizens by blood of the Cherokee Nation oppiste Roll No. 20611.

Both of the above named persons are enrolled as full-bloods.

Q Did you and Nellie ever have any children? A Yes sir.
Q What children did you have? A Only one, Gussie, she has other children.
Q How old is Gussie? A 8 years old the 27th day of December.
Q With whom is Gussie living at this time? A Living with my sister.
Q With whom is Nellie living? A Living with some fellow by the name of Turner Grimmett.

Q Has Gussie ever lived with her mother? A Yes sir, for a while until she get to going to dances and places and I taken the child from her.
Q Has application ever been made to have Gussie enrolled?
A No sir.
Q Were you living with Nellie Bearpaw when this child was born?
A Yes sir.
Q Do you recognize the child as your child? A Yes sir, and Nellie says so.
Q Do you support the child? A Yes sir.
Q Di you ever make application to have the child enrolled?
A No sir, except I made application for the Eastern Cherokee roll.
Q Why did you not make application to have Gussie enrolled?
A This child was staying with Nellie's mother at the time the roll was made and they were Night Hawks.

NOTE:

Gussie Chuculate is identified on the Eastern Cherokee Roll with the witness, Jim Chuculate, opposite Nos. 7524 and 7523, respectively.

Q Has Nellie any other children besides this child, Gussie?
A Yes sir, two boys.
Q How old are they? A I could'nt say how old , they were born after Gussie was born.
Q How long after Gussie was born were they born? A I could'nt say. They moved to Flint after we separated.
Q Has Gussie a guardian? A No sir.
Q Did they ever call Gussie by any other name than Gussie Chuculate? A No sir, not as I know of.
Q Gussie is living at this time you say and living with your mother? A Yes sir she is living at this time and lives with my sister. I was over and saw her yesterday.
Q What is your sisters name? A Nannie Pann.
Q where does she live? A She is here in town.
Q She is here in town, Muskogee? A Yes sir.
Q Does she know the age of the child? A Yes sir.
Q You had better have her come here and testify? A All right.
Q Can you bring her up here? A Yes sir.

(Witness excused)

NANNIE PANN, being first duly sworn and examined, testified as follows through official interpreter, Tom Roach:

BY MR. BLISS:

Q What is your name? A Nannie Pann.
Q Your age? A 39.
Q Your postoffice address? A Mulbery.
Q Are you acquainted with a child by the name of Gussie Chuculate? A Yes sir.
Q Where is that child now? A Lives at home with me now.
Q Who is the father of the child? A Jim Chuculate.

Q What is the child's mother's name? A I don't know it in english.
Q Did you ever here her called Nellie? A I could'nt say.
Q Where does she live? A Marble City some place.
Q How long have you had the child, Gussie? A This month will be a year that I have had the child. My mother kept the child and then mother died and I taken the child.
Q How long had your mother had the child before she died?
A I could'nt say because I was living at Hulbert and mother was at Marble City, but the old lady kept the child ever since it was two years old.
Q Did this child draw the Eastern Cherokee money? A Yes sir.
Q Who drew the money for the child? A The father of the child.
Q How old is Gussie? A The child was 8 years old last December.
Q Is the child a full-blood? A Yes sir.
Q Cherokee? A Yes sir.

(Witness excused)

Lee G. Grubbs, being first duly sworn, states that the above and foregoing is a true and correct copy of his stenographic notes taken in said cause and on said date.

Lee G Grubbs

Subscribed and sworn to before me this the 4th day of February, 1911.

R. P. HARRISON, CLERK

By Edward Keach
Deputy.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

MEMORANDUM.

Cherokee Jacket 186.

Gussie Chuculate; P.O., Hulbert, Okla., born Dec. 27, 1902; enrolled on Eastern Cherokee roll with her father, Jim Chuculate, Nos. 7524 and 7523, respectively.

Father: Jim Chuculate; P.O., Hulbert, Okla.; Cherokee Roll No. 20511; full-blood.

Mother: Nellie Bearpaw, Cherokee Roll No. 25767; full-blood; now living with Turner Grimmett.

No previous application made for the enrollment of Gussie Chuculate, because during enrollment the child was living with her grandmother, who was a Nighthawk.

Testimony of father and his sister, Nannie Parm, of Hulbert, Okla., with whom Gussie Chuculate is living.

Recommended that Gussie Chuculate be enrolled as a full-blood Cherokee.

Cher 11045
William Chuculate

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Sallisaw, Oklahoma, December 19, 1910.

IN RE APPLICATION FOR ENROLLMENT, as Cherokee Citizen, as William Chukerlate, as shown upon the Eastern Cherokee Roll opposite No.7567, and shown not to be upon the Final Rolls of the Five Civilized Tribes.

Interpreted by Thomas P. Roach, official interpreter, of Muskogee, Okla.

Examination by Mr. S. A. Mills on behalf of the Commissioner:

Ice Chuculate being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Ice Chukerlate, Age 32 years old, P. O. Sallisaw, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes Sir. (See F.C.R.# 25712)
Q What is your wife's name? if you have one? A Katie.
Q Is she an enrolled Cherokee Citizen? A Yes sir. See F.C.R.#25713)
Q Have you a child named William Chukerlate, who is not enrolled upon the Final Cherokee Roll? A Yes Sir.
Q Was he enrolled upon the Eastern Cherokee Roll and did you draw money as such for him? A Yes Sir.
Q When was your son William born? A Born on Feb. 9, 1905.
Q Have you a written record of that event? A Yes sir.
Q Please let me see that written record? A Here witness submits a record book purporting to be the family record of his family, written in Cherokee, and which being read by the Interpreter reads as follows: William Chukerlate, born Feb. 9, 1905.
Q Who made this record? A I made the record myself.
Q Is this a true record of the date of the birth of your son William Chukerlate? A Yes sir. I made the record so I could remember it.
Q Have you ever made application heretofore for the enrollment of your son William? A Yes, ; I tried to get this child enrolled, but they had closed the Rolls.
Q When was this and where? A I don't remember the date, but it was in Muskogee, they told me to wait; it was about three years ago.
Q Have you heard anything from the Dawes commission at Muskogee relative to your application for this child since then? A No sir, until I got your notice to meet you.
Q Who was present at the time of the birth of your son William? A Ga-ya-ta, but I don't know where she is at this time.

Katie Chukerlate being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Katie Chukerlate, Age about 35, P. O. Sallisaw, Okla.

Q Are you an enrolled Cherokee Indian? A Yes Sir. (See F.C.R.#25713)
Q What is your husband's name? A Ice Chukerlate. (See F.C.R.#25712)
Q Have you a son by Ice Chukerlate who is not an enrolled Cherokee Citizen? A Yes sir.
Q What is his name? A William.
Q Was he enrolled upon the Eastern Cherokee Roll and did you draw money for him? A Yes sir, we did. (See F.C.R.#7567)
Q Whenwas your son William born? A Feb. 9, 1905.
Q Have you a written record of that event? A Yes; my husband has it. (Same record as submitted by the father, Ice Chukerlate.
Q Where is your son William Chukerlate now? is he alive and living with you? A Yes; here he is--indicating the child.

-2-

The child is present and appears to be of the age and blood claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true andcorrect transcript of his stenographic notes taken in the said case.

W. E. Foltz

Subscribed and sworn to before me on this 5th day of January, 1911.

R. P. Harrison, Clerk.

By Edward Hecox
Deputy.

58
84.

MEMORANDUM.

William Chuculate, Eastern Cherokee, Roll No. 7367, with no F. C. T. enrollment.

Father- Lee Chuculate, P. O. Salisaw, Okla., Cherokee by blood roll No. 28712.

Mother- Katie Chuculate, Cherokee by blood, roll No. 28713

Witnesses December 19, 1910, father and mother. Record evidence in Cherokee of the date of the birth of the child.

Ga-ya-ta, whose present whereabouts are unknown, was present at birth of the child.

Prior application made three years ago at Muskogee but they had closed the rolls and told me to wait.

Child William produced at the hearing and appeared to be of the age and quantum of blood claimed.

Recommended that William Chuculate be enrolled as a minor Cherokee by blood.- full blood as both his parents are enrolled as full bloods.

20

Act of Congress Approved April 26, 1906

IN RE

Application for Enrollment of
Minor
[redacted] CHILD

.....

as a citizen of

..... Nation.

Approved 190

Commissoner.

(Copy)

Office of Indian Affairs
Received Jul 24 1913
90625

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,
of William Chukerlate (Here insert name of child), born on the 9th day of February, 1905

Name of Father: Ice Chukerlate, a citizen of the Cherokee Nation.

Name of Mother: Katie Chukerlate, a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll #25712
Tribal enrollment of Mother Cherokee Roll #25713
Post-office Sallisaw, Oklahoma,

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
~~INDIAN TERRITORY~~. State of Oklahoma
Sequoyah County ~~District~~. }

I, Katie Chukerlate, on oath state that I am 33 years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of Ice Chukerlate, who is a citizen, by blood, of the Cherokee Nation; that a male (Male or female) child was born to me on 9th day of February, 1905; that said child has been named William Chukerlate and ~~is now~~ was living March 4, 1906 and is now alive and living with me.

her
Katie X Chukerlate
mark

WITNESSES TO MARK:

{Must be Two Witnesses.} W. E. Folty, Muskogee Okla.
Thomas P. Roach, Muskogee Ok.

Subscribed and sworn to before me this 19th day of December 1910

Seal

R. P. Harrison - Clerk
By S. A. Mills, Deputy
~~INDIAN TERRITORY~~.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, }
~~INDIAN TERRITORY~~. State of Oklahoma
Sequoyah County ~~District~~. }

I, Ice Chukerlate, a ....., on oath state that I attended on ~~Mrs.~~ Katie Chukerlate my wife of on the 9th day of February, 1905 that there was born to her on said date a male child (Male or female) that said child ~~is now~~ was living March 4, 1906 and is said to have been named William Chukerlate and he is now alive and living with us.

his
Ice X Chukerlate
mark

WITNESSES TO MARK:

{Must be Two Witnesses} W. E. Folty, Muskogee Okla
Thomas P. Roach, Muskogee Ok.

Subscribed and sworn to before me this 19th day of December 1910

Seal.

R. P. Harrison, Clerk
By S. A. Mills, Deputy
~~INDIAN TERRITORY~~.

Cher 11046
Daisy Cochran

11046

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR,,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Hulbert, Oklahoma,, November 15, 1910.

In the matter of the application of Daisy Cochran for enrollment as a Cherokee citizem, whose name appears on the Eastern Cherokee roll, but does not appear on the final roll of the Commissioner to the Five Civilized Tribes.

Testimony taken before George Reed,
Clerk of the Commissioner of
Indian Affairs.

Wind Cochran being first duly sworn testified as follows,, through United States Indian Policeman, R. L. Tayler, interpreter.

Q What is your name? Wind Cochran.
Q Your age and postoffice address? A 36 years;; Hulbert, Okla
Q Are you enrolled as a Cherokee citizen?
A Yes, full blood. (Cherokee roll No. 18319)
Q Are you married? A Yes.
Q What is your wife's name? A Eliza Cochran; She was enrolled as Eliza Carey (Roll No. 18253).
Q Where is your wife? A She is dead; died September 30,1908.
Q Have you any children that have been enrolled? A No.
Q Have you any that have not been enrolled? A Yes, one.
Q What is the name of that child? A Daisy Cochran
Q How old is this child Daisy? A Five years old.
Q When was Daisy born? A October 8,, 1905.
Q Have you any bible or book record to the date of the birth of Daisy? A No.
Q Is Daisy living now? A Yes.
Q Who was present when Daisy was born? Any doctor or midwife?
A No doctor. Sallie Carey, my wife's mother was.
Q Who is Daisy living with now? A With me.
Q Have you or anyone else ever made application for Daisy's enrollment? A No.
Q Why not? A Thought it was too late.
Q How do you arrive at the positive date of October 8, 1905,, as being the date of the birth of Daisy?
A Well, I just remember it.
Q Have you not some other way whereby you can fix the exact date, or approximately the date, of the birth of your child Daisy? A No, only as I remember it.
Q You say Sallie Carey, your mother in law was present when she was born? A Yes, she can tell.

Witness excused.

Note The child was present and has the appearance of having the blood and age claimed.

2-Cochran.

Sallie Carey being first duly sworn testified as follows,, through R. L. Taylor, interpreter.

Q What is your name, age and postoffice address?
A Sallie Carey, 70 years old; Hulbert, Oklahoma.
Q Are you an enrolled Cherokee citizen?
A Yes (Cherokee No. 18273)
Q Do you know Wind Cochran and Eliza Cochran?
A Yes, Eliza was my daughter; she is dead now.
Q When did Eliza Cochran die? A Over a year now.
Q Do you know just what year, month and day? A No, over a year; maybe two years.
Q Did Wind Cochran and his wife have any children?
A Yes, one.
Q What was that child's name? A Daisy.
Q Is Daisy living? A Yes.
Q Who does Daisy live with? A With her father.
Q When was this child Daisy born? A In October; I don't remember the year.
Q Were you present? A Yes, I waited on my daughter at the time.
Q How old is this child Daisy now? A Just five years past.
Q How do you fix that time? A We have a birthday party every year and there have been five parties.
Q Do you know whether this child Daisy has been enrolled or not or an application made? A No, I don't know anything about that.

Witness excused.

I, S. A. Mills hereby certify that the above and foregoing is a true and correct copy of my long hand notes taken in the above entitled enrollment case at Hulbert, Oklahoma, on November 15, 1910.

S. A. Mills

Subscribed and sworn to before me this 9 day of December, 1910

R. P. Harrison
Clerk of the United States Court for
the Eastern District of Oklahoma,

By D. B. Symms Deputy.

87.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

MEMORANDUM.

Daisy Cochran, minor Cherokee by blood, born October 8, 1905, still living, produced at the hearing and appears to be of the age and quantum of blood claimed.

Father- Wind Cochran, P. O. Hulbert, Okla., full blood Cherokee Roll No. 15319.

Mother- Eliza Cochran, enrolled as Elizabeth Carey, Roll No. 18253, who died September 30, 1906.

Witnesses- November 15, 1910, father and grandmother, Sallie Carey, who attended on mother at birth of Daisy who has "five birthdays".

No prior application because the father "thought it was too late."

Birth affidavit filed.

Recommended that Daisy Cochran be enrolled as a minor Cherokee by blood.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Daisy Cochran

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

new card

BIRTH AFFIDAVIT. 199

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Daisy Cochran [Here insert name of child] born on the 8th day of October 1905,
Name of Father: Wind Cochran a citizen of the Cherokee Nation No. 15319
Name of Mother: Eliza Cochran nee Carey (now deceased) a citizen of the Cherokee Nation No. 18453
Tribal enrollment of father Cherokee, 15319 Tribal enrollment of mother Cherokee, No. 18453
Postoffice Hulbert, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma
Cherokee County District. }

I, Wind Cochran, on oath state that I am 24 years of age and a citizen by Blood husband of the Cherokee Nation No. 15319
that I am the lawful wife of Eliza Cochran nee Carey (deceased) No. 18453 who is a citizen, by
Blood of the Cherokee Nation; that a female [Male or Female] child was
born to her on the 8th day of October 1905; that said child has been named
Daisy Cochran and was living March 4, 1906, and is still
living with me at Hulbert, Okla. Wind Cochran

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 6th day of November 1906.

R. P. Harrison - Clerk
By [illegible], Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma
Cherokee County District. }

I, Sallie Carey, mother of Eliza Cochran deceased a mid wife and on oath state that I
attended on Eliza Cochran nee Carey deceased wife of Wind Cochran
on the 8th day of October, 1905; that there was born to her on said date a
child; that said child was living March 4, 1906, and is said to have been named Daisy Cochran
and is now living with her father at Hulbert, Okla. Sallie X Carey

WITNESSES TO MARK:

[Must be Two Witnesses] { Mrs. Rosa Reed 1489 Merstand St Washington D.C. mark
R. L. Taylor Westminster Md

Subscribed and sworn to before me this 15th day of November 1906

R. P. Harrison Clerk
By [illegible] - Deputy Notary Public.

Office of Indian Affairs
Received Jul 24 1913
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Muskogee, Oklahoma, December 10, 1910

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as a Cherokee citizen of Daisy Cochran, taken in the course of my investigation.

Respectfully,

Enc. L-54 Assistant Attorney.

(COPY)

Cher 11047
Samuel Coming

11047

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913.
90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as Cherokee Citizen, of Samuel Coming, who appears upon the Eastern Cherokee Roll opposite No.9000, and is shown not to be upon the Final Rolls of the Five Civilized Tribes

PROCEEDINGS had at Kansas, Oklahoma, January 19, 1911, before Mr. S. A. Mills, on behalf of the commissioner.

Interpreted by James R. Gourd, of Pryor, Okla. who was first sworn.

Joseph Coming being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Joseph Coming, age about 58 years old, Kansas, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#19404)
Q What is the purpose of your appearance here at this time? A For the purpose of making application for the enrollment of my child Samuel.
Q Have you ever heretofore made application for the enrollment of your child Samuel? A No.
Q Who is the mother of Samuel? A Lizzie Coming. (See F.C.R.#19405)
Q Have you any other children who are enrolled upon the Final Rolls of the Five Civilized Tribes. A Yes; Dick, Diana, Dave, and Darkey. (See F.C.R.#19406-7-8- and 30546)
Q Is Lizzie, the mother of your son Samuel, an enrolled Cherokee Citizen? A Yes. (See F.C.R.#19405)
Q Why have you not made application for the enrollment of this your child Samuel heretofore? A I thought he was too late, so I didn't get around to put him on the Roll.
Q When was Samuel born. A Sept. 19, 1905.
Q Have you a written record of that event? A Yes. (Here witness submits family record which, written in Cherokee interpreter reads, "Samuel, born September 19, 1905."
Q Where is this child Samuel now? is he alive? A Yes; there he is--indicating the child, living with me.
Q Who was present when this child was born? A Mrs. O'Field

Lizzie Coming being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Lizzie Coming; about 43 years old; Kansas, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes: (See F.C.R.#19405)
Q Are you the mother of Dick, Diana, Dave and Samuel Coming? A Yes.
Q Who is their father? A Joe Coming.
Q Is he a Cherokee Citizen? A Yes. (See F.C.R.#19404)
Q Has your son Samuel heretofore been enrolled upon the Final Rolls of the Five Civilized Tribes? That is what we are here to do.
Q When was your son Samuel born? A Here witness submits family record as shown by Joseph Coming, the father of Samuel.
Q Where is Samuel now? A Here he is--indicating the child.
Q Who waited on you when your son Samuel was born? A Fannie O'Field.
Q Is she a Cherokee Indian? A Yes.

Fannie O'Field being first duly sworn testifies as follows:

Q State your name, age and post Office address? A Fannie O'Field; age 29; Kansas, Okla.
Q Are you an enrolled Cherokee citizen? A Yes. (See F.C.R.#18625)
Q Are you well acquainted with Joseph Coming and Lizzie Coming? A Yes.
Q Did you wait upon Mrs. Coming as midwife at the time of the birth of the child called Samuel? A Yes sir; I waited on her.
Q When was that, when Samuel was born? A I haven't got the date marked down but the father, Joe Coming, has.
Q How old is this boy Samuel? A He is five years past, he was born in the Fall five years ago.
Q Is Samuel now living? A Yes sir; living with his parents.
Q Then you are quite sure beyond any question of a doubt that Samuel Coming, son of Joe and Lizzie Coming, was born in the Fall five years past? Yes.
Q Is Joe and Lizzie Coming, that you refer to, Cherokee Indians? A Yes sir; full bloods.
Q Where is that child Samuel now? A There he stands (indicating the child.)

Samuel Coming was present and appeared to be of the age and blood claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 23rd day of January, 1911.

Edward Merrick
Notary Public.

Cher. J. 148

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

MEMORANDUM.

Samuel Coming enrolled on Eastern Cherokee roll as Samuel Cumming, not on F. C. T. roll, born Sept. 19, 1905, family birth record written in Cherokee reads "Samuel born September 19, 1906". Still living. Child present and appeared to be of the age and blood claimed.

Father- Joseph Coming, P. O. Kansas, Okla. roll No. 19404.

Mother- Lizzie Coming, roll No. 19405.

Dick Coming, roll No. 19406, Diana Coming roll No. 19407, Dave Coming, roll No. 19408, Darkey Coming, Roll No. 30546 are brother and sister to Samuel Coming.

No previous application made by father because "I thought he was too late and didn't get around to put him on the roll".

Witnesses Jan. 19, 1911, father, mother, and midwife Fannie O. Field of Kansas, Okla. Cher. roll No. 18625.

Birth affidavit also filed.

Recommended that Samuel Coming be enrolled as a minor full blood Cherokee.

BIRTH AFFIDAVIT. 199

OFFICE OF INDIAN AFFAIRS RECEIVED JUL 24 1913

90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Samuel Coming [Here insert name of child] born on the 19th day of September 1905.

Name of Father: Joseph Coming a citizen of the Cherokee Nation.

Name of Mother: Lizzie Coming a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll No. 19404 Tribal enrollment of mother Cherokee Roll No. 19405.

Postoffice Kansas Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Delaware County District.

I, Lizzie Coming, on oath state that I am 43 years of age and a citizen by blood of the Cherokee Nation; that I am the lawful wife of Joseph Coming, who is a citizen, by blood, of the Cherokee Nation; that a Male [Male or Female] child was born to me on 19th day of September, 1905.; that said child has been named Samuel Coming and was living March 4, 1906, and is now alive and living with me.

Lizzie her X mark Coming

WITNESSES TO MARK:

[Must be Two Witnesses] W E Falk Muskogee Okla
S Ellis Muskogee Okla

Subscribed and sworn to before me this 19th day of January 1906.

R. P. Harrison - Clerk
By S Ellis - Dept - Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Delaware County District:

I, Fannie O Field, a midwife, on oath state that I attended on Lizzie Coming, wife of Joseph Coming on the 19th day of September 1905.; that there was born to her on said date a Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Samuel Coming, who is now alive and living with his parents.

Fannie O Fielder
Final Roll No. 18625

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 19th day of January 1906.

R. P. Harrison - Clerk
By S Ellis - Dept - Notary Public.

Cher 11048

Lucy Cookinghead

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913

90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE ENROLLMENT, of Charlotte and Lucy Cookinghead, who appear upon the Eastern Cherokee Roll opposite Nos.8308 and 8309, and do not appear upon the Final Rolls of the Five Civilized tribes.

PROCEEDINGS had at Stilwell, Oklahoma, November 12, 1910, by Mr. George Reed, on behalf of the Commissioner.

Interpreted by R.L.Taylor, Indian Policeman, of Westville, Okla.

Examination by Mr. Reed:

Jackson Cookinghead being first duly sworn testifies as follows:

Q State your name, age and Post office address? A Jackson Cookinghead, about 32 years old; P.O., Stilwell, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#29825)
Q Are you the father of Charlotte and Lucy Cookinghead? A Yes.
Q Was Charlotte Cookinghead also enrolled as Rosie Cookinghead? A Yes; Rosie was her english name.
Q Was Rosie Cookinghead enrolled? A Yes. (See F.C.R.#29818)
Q Was Charlotte Cookinghead enrolled with her mother Nancy Cooking-Cookinghead? A Yes.
Q How old is Charlotte Cookinghead? A About eight or nine years old.
Q Is shea full blood Indian? A Yes.
Q Who is Lucy Cookinghead? A My child.
Q Is Lucy Cookinghead a sister to Charlotte and Rosie Cookinghead? A Yes; half sister.
Q How old is Lucy? A About seven years old.
Q Is she a full blood?child? A Yes.
Q Was any Doctor in attendance atthe birth of Charlotte and Lucy? A No;only women; no Doctor. But Sarah Daylight, a sister to Nancy, my wife, was present at the birth of both children.
Q Where is Nancy Cookinghead now living? A At Charlie Step's house; she is his half sister.
Q Are you living with her now? A No.
Q Who is the mother of your daughter Lucy? A Sarah Daylight.
Q Is Lucy now living? A Yes; she is living with her mother.
Q Has you living with both Nancy and her sister Sarah Daylight at the same time? A No.
Q How comes it that both Nancy, your wife, and Sarah Daylight, her sister, bore you these children so close together? A Witness refused to answer.
Q Then your wife Nancy Cookinghead [illegible] Daylight is the mother of Charlotte Cookinghead and her sister Sarah Daylight is the mother of the child called Lucy Cookinghead, andthey are both your children? A Yes.
Q Is the mother of Charlotte, Nancy Cookinghead, an enrolled Cherokee citizen? A Yes. (See F.C.R.#29817)
Q Is Sarah Daylight, the mother of your child Lucy, an enrolled Cherokee citizen? A Yes. (See F.C.R.#29806)
Q Is this, your child Lucy Cookinghead, enrolled? A I don't know.
Q Did you ever make application for the enrollment of Lucy? A No. I left that with for her mother to do; she took the child and raised her.

Here witness refused toanswer anymore questions.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and swhor to before me on this 11th day of January, 1911.

R. P. Harrison, Clerk,

By Edward L Ferrick
Deputy.

OFFICE OF INDIAN AFFAIRS
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JUL 24 1913

M E M O R A N D U M.

90635

Cher. J. 108.

a Charlotte Cookinghead, on Eastern Cher. roll No. 8308, F.C.T. enrolment not shown. Father, Jackson Cookinghead, of Stilwell, Okla., testified that Charlotte Cookinghead whose "English name is Rosie" has been enrolled with her mother and is identical with Rosie Cookinghead, Cher. full blood, roll No. 29818 -- not entitled to further enrolment.

Father -- Jackson Cookinghead, Cher. full blood, No.29825.

Mother -- Nancy Cookinghead, Cher. full blood, No. 29817.

b Lucy Cookinghead, P. O., Stilwell, Okla., on Eastern Cher. roll, No. 8309, not on F. C. T. rolls, about 7 years old.

Father -- Jackson Cookinghead, Cher. full blood No.29825.

Mother -- Sarah Daylight, Cher. full blood, No. 29806.

It appears that Jackson Cookinghead is the father of Charlotte by his wife Nancy Cookinghead and also the father of Lucy Cookinghead by his wife's sister, Sarah Daylight. Witness refused to answer further inquiry. Children not produced at the hearing.

Recommend further investigation.

Cher 11049
Mary Mildred Crapoe

11049

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913

90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a Cherokee Citizen, of Mary Mildred Crapoe.

PROCEEDINGS had at Gore, Oklahoma, December 27, 1910, by Mr. S. A. Mills, on behalf of the Commissioner.

Examination by Mr. Mills:

Mary Crapoe being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Mary Crapoe, Post Office, Gore, Okla; age 27 years old.

Q Are you an enrolled Cherokee Citizen? A No sir; I am a white non citizen.

Q What is the purpose of you appearing before me at this time? A For the purpose of having my child enrolled.

Q Who is the father of your child? A Albert Crapoe. He is dead.

Q Was he an enrolled Cherokee Citizen? A Yes sir.

Q You stated that your husband is dead? Has he an allottment of land and have you his certificate? A Yes sir. (Here witness submits certificate of Allottment of Albert Crapoe, Certificate No.24430, showing Cherokee Roll No.21206.)

Q Was you the lawful wife of Albert Crapoe? A Yes sir.

Q Where and when were you married, and under what law? A I was married in 1902 about two miles from Braggs, Okla., under the Federal law.

Q Was your husband, Albert Crapoe, enrolled upon the Eastern Cherokee Roll and did he receive his share of the Eastern Cherokee Emigrant fund, or did the administrator draw it for him? A Mr. Drapoe, My husband's brother, drew the money for me.

Q When did Albert Crapoe, your husband, die? A Feb. 4, 1910. This year.

Q How many children have you by albert Crapoe? A Three; two living and one dead.

Q Give me the names and the ages in the order in which they were born? A Linda Lener Crapoe, Mary Mildred Crapoe and Hattie Gennette Crapoe.

Q Have you a written record of the dates of the births of these children? A Yes sir. (Here witness introduces what purports to be a Family Record)

Q By whom and when was this record made? A By me at the time that the events occurred.

Q I note the first entry in this record, that Linda Lener Crapoe was born June 12, 1903 and departed her life September 30, 1904: Is this child Linda Lener Crapoe dead? and is this a true record of the date of her birth and death? A Yes sir.

Q The record further shows Mary Mildred Crapoe was born October 10, 1906: Is this Mary Mildred Crapoe now alive? A Yes sir; here she is-, indicating the child.

Q I note an additional entry here, of Hattie Genette Crapoe, born Jan. 7, 1910; Is that the child that is now in your arms? A Yes sir.

Q Who was present at the birth of these children? A Dr. Eichling and my Niece.
Q Have you heretofore made application for the enrollment of your children before the Dawes Commission? A No sir.
Q Why not? A I didn't know anything about it.
Q Did you make application for the enrollment ofyour husband in the Eastern Cherokee Roll for the purpose of participating in the Eastern Cherokee Fund? A My husband made the application for himself.
Q Do you know anything relative to his making that application and about what he did in the matter? A No sir; I don't.
Q Was you living with your husband at the time he made that application? A Yes sir.

N. L. Crapo being first duly sworn testifies as follows:
Q State your name, age and Post Office address? A Nelson L. Crapoe, age 30; P.O., Gore, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes sir (See F.C.R.#21205)
Q Do you know Albert Crapoe? A Yes sir.
Q Who is he? A He is my brother.
Q Was he a Cherokee Citizen? A Yes sir.
Q Do you know his Roll number? A Yes sir; No.21206.
Q Where is Albert Crapoe now? A He is dead.
Q When did he die? A He died last Feb. 4, 1910..
Q Did he leave a family surviving him? A Yes sir.
Q What is the name of the family; wife and children? A Wife named Mary; children Linda Lener, the oldest, who is dead; Mary Mildred; the youngest one is Mary Gennette.
Q Was Albert Crapoe and Mary, who has said she is his wife, married? A Yes sir.
Q Under what law were they married? A They were married here under the Federal law, at Campbell.
Q Then the child Mary Mildred Crapoe, for whom Mrs. Mary Crapoe is now making application for enrollment upon the Final Rolls of the Cherokee Nation, is a child of Albert Crapoe, your brother? A Yes sir.
Q Did you ever talk with your brother Albert Crapoe relative to making application for enrollment upon the Eastern Cherokee Roll? A No sir.
Q Where is Mary Mildred Crapoe now? Is she alive? A Yes sir; living with her mother.
Q Where is Linda Lener, the child you mentioned by Albert Crapoe, now? A She is dead.
Q Do you know when she died? A She was born on June 12, 1903 and died in 1904.
Q Do you know when Mary Mildred Crapoe was born? A Yes sir; Oct. 10, 1905.

J. A. Eichling being first duly sworn testifies as follows:
Q State your name, age and Post Office address? A J. A. Eichling; age 41; P.O., Gore, Okla.
Q What is your profession? A Physician.
Q Did you know one Albert Crapoe during his life time? A Yes sir.
Q Was he a Cherokee Indian? A Yes sir.
Q Did you know one Mary Crapoe? A Yes sir.
Q Who is she? A The wife of Albert Crapoe, a white woman.
Q Did you attend upon the family of Albert Crapoe and his wife in a special capacity at any time? A Yes sir.

Q Was you present when a child was born to them? A Yes sir.
Q What was the name of that child? A Mary Mildred.
Q Is that child now alive. A Yes sir.
Q When was that child born? A Oct. 10, 1905.
Q Have you a record of that event? A Yes sir.
Q Will you kindly furnish me an affidavit of it? A Yes sir.

Sarah Ensminger being first duly sworn testifies as follows:
Q State your name, age and address? A Sarah Ensminger, age 65, P.O. Gore, Okla.
Q Are you an enrolled Cherokee Citizen? A No sir; a non-citizen.
Q Are you well acquainted with Albert Crapoe and his wife? A Yes sir. I have known them a good many years; I knew Albert since he was a child.
Q Was you present at the time of the birth of a child to them known as Linda Lener Crapoe? A Yes sir.
Q Where is she now? A She is dead.
Q When did shedie? A She died in 1904, in September. She was a little over a year old.
Q When was Linda born? A On the 12th of June, 1903.
Q Have you a record of that event? A No sir, I have no record of it, I just remember it.
Q You rely upon your memory as to the date of the birth of that child? A Yes sir; it was in cotton hoeing time, when the cotton was small.
Q How do you fix the year? A It was seven years ago last June.
Q Can you not fix the date more positively by some particular incident? A It was just two years before my husband died; he died in 1905.

Mary Mildred Crapoe is present and appears to be of the blood and age claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 9th day of January, 1911.

R.P. Harrison, Clerk
By Edward Heard
Deputy.

Cher. J. 89.

OFFICE OF INDIAN AFFAIRS
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JUL 24 1913
9865

MEMORANDUM.

Mary Mildred Crapoe, P. O. Gore, Oklahoma, born October 10, 1905, still living, produced at the hearing and appeared to be of the age and blood claimed.

Linda Lener Crapoe, born June 13, 1903, died Sept. 30, 1904, not entitled.

Hattie Genette Crapoe, born Jan. 7, 1910, not living March 4, 1910, not entitled.

Father, Albert Crapoe, Cher. roll No. 21206, full blood, deceased, died February 4, 1910.

Mother, Mary Crapoe, a noncitizen white woman.

Witnesses, mother, father's brother, and physician, in attendance at the birth of Mary Mildred Crapoe,- as to date of birth and marriage of parents.

Recommended that Mary Mildred Crapoe be enrolled as a minor Cherokee one-half degree blood.

BIRTH AFFIDAVIT 199

OFFICE OF INDIAN AFFAIRS RECEIVED JUL 24 1913 90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Mary Mildred Crafts, born on the 10th day of October 1905.
[Here insert name of child]

Name of Father Albert Crafts a citizen of the Cherokee Nation.

Name of Mother: Mary Crafts now a citizen of the Nation.

Tribal enrollment of father Cherokee, Roll 7/1924 Tribal enrollment of mother

Postoffice Gore Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Sequoyah County District.

I, Mary Crafts on oath state that I am 27 years of age and a citizen by not, of the Nation; that I am the lawful wife of Albert Crafts - Deceased -, who is a citizen, by Blood, of the Cherokee Nation; that a Female child was born to me on 10th day of October, 1905; that said child has been named Mary Mildred Crafts and was living March 4, 1906. and is now alive and living with me

Mary Crafts

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 27th day of December 1906

R. P. Harrison - Clerk
By Ophelia Depy - Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Sequoyah County District.

I, J. C. Eichling M.D. a Physician on oath state that I attended on Mary Crafts wife of Albert Crafts on the 10th day of October 1905; that there was born to her on said date a Female child; that said child was living March 4, 1906, and is said to have been named Mary Mildred Crafts. as she is now alive living with her mother

J. C. Eichling M.D.
Gore, Okla.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 27th day of December 1906

R. P. Harrison - Clerk
By Ophelia - Deputy - Notary Public.

Cher 11050

Osie Crittenden

Cher 11050

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Tahlequah, Oklahoma, November 10, 1910.

In the matter of the application for the enrollment as a Cherokee citizen of Osie Crittenden, deceased.

Testimony taken before George Reed,
Clerk of the Commissioner of
Indian Affairs.

Alexander Crittenden being first duly sworn testified as follows, through United States Indian Policeman,, R. L. Taylor, interpreter:

Q What is your name, age and postoffice address?
A Alexander Crittenden, age 43 years; Tahlequah, Oklahoma.
Q Are you married? A Yes.
Q What is the name of your wife? A Katie Crittenden.
Q Are you both enrolled Cherokee citizens?
A Yes (Cherokee roll Nos. 18897 and 32515)
Q Are you full blood Indians? A I am enrolled as 3/4 blood.
Q What is the purpose of appearing before us at this time?
A I had a child who was born in 1905 and who died in 1896, who was never enrolled, and I have been told there were two people enrolling such children.
Q What is the name of the child you refer to? A Osie Crittenden
Q When was that child born? A Seventh day of February, 1905.
Q You state the child died after 1906; when did that child die?
A About the 18th day of March, 1906.
Q Have you a record of the date of thebirth of Osie? and date of his death? A No.
Q How do you expect to fix these dates as being correct?
A Just from memory
Q Who was present at the birth of Osie? A The woman who waited on my wife dies soon after he was born.
Q Who tended your child Osie during his last sickness at the time he died? Did you have a doctor?
A No, we didn't have any doctor; just tended him ourselves.
Q Who was present and can testify as to his death?
A Charlotte Dew; she helped to prepare him for burial.
Q How do you fix the date of his death as March 18, 1906?
A Don't know; just remember it. I never put it down.
Q Then you have no bible or book record of the dates of the birth and death of this child Osie? A No.
Q Can you in any way, by some circumstance other than what you have mentioned, fix the date of the birth and death of this child Osie? A No, only just as I remember it.

Q Are you sure that these dates are correct? A Yes.
Witness excused.

Katie Crittenden, being first duly sworn testified as follows, through interpreter Taylor.

Q What is your name, age and postoffice address? A Katie Crittenden,, about 31 years,, Tahlequah is my postoffice.
Q Are you the wife of Alexander Crittenden? A Yes.
Q Are you an enrolled Cherokee citizen? A Yes (Cher.No.32515)
Q Are you the mother of Osie Crittenden, son of Alexander Crittenden? A Yes.
Q Where is Osie at this time? A He's dead.
Q When did he die? A March, 1906.
Q What time in March? A I don't remember that, the day.
Q About when in March? A I think the 18th of March is right?
Q You are not sure it was the 18th then? A Don't know about that.
Q What doctor did you have when Osie was sick and died?
A Didn't have any doctor; tended him ourselves; we live out in the country.
Q Who was present at the time of the death of Osie, if you remember? A Charlotte Dew; she helped us bury him.
Q When was Osieborn, if you remember? A Five years ago last March.
Q Have you a record of that date? A No, just remember it.
Q Hoe do you fix that date in your mind? A Just remember it; we talk about it.
Q Have you any way of fixing these dates more positively through any circumstance occurring at the time? A No.
Witness excused.

Charlotte Dew being first duly sworn, testified as follows, through interpreter Taylor.

Q What i your name, age and postoffice address?
A Charlotte Dew; about 44 years; Tahlequah, is my postoffice.
Q Are you enrolled as a Cherokee citizen?
A Yes, I was enrolled as a Buffington (Cherokee Roll No.21217)
Q Do you know Alexander and Katie Crittenden, Cherokee citizens
A Yes.
Q Were you present at the time they buried a child sometime ago? A Yes.
Q What was that child's name? A Osie.
Q When was this? A Over four years ago.
Q Have you any record of the death of that child? or do you know of anyone that has? A No.
Q How do you fix that time as being over four years ago; could it have been 3 years ago or 5 years ago? A No, it was four years ago last spring early.
Q How old was that child Osie you say you prepared for burial?
A About a year old.
Q When did you say he died? A Four years ago last spring.
Witness Excused.

I, S. A. Mills hereby certify that the above and fore-going is a true and correct copy of my long hand notes taken in the above entitled case at Tahlequah, Oklahoma, on November 10, 1910.

S A Mills

Subscribed and sworn to before me this 9 Day of December, 1910.

R. P. Harmon
Clerk of the United States Court for th Eastern District of Oklahoma

By S W Byrum Deputy.

32.

OFFICE OF INDIAN AFFAIRS
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JUL 24 1913
90635

MEMORANDUM.

Ocie Crittenden, minor Cherokee by blood, born ~~Friday~~ February 7, 1905., died March 18, 1906.

Father- Alexander Crittenden 3/4 Cherokee by blood, P. O. Tahlequah, Okla. Roll No. 18897.

Mother- Katie Crittenden, Cherokee full blood, Roll No. 32515.

Witnesses- November 10, 1910, father, mother and Charlotte Dew who was present at the death of Ocie Crittenden and helped dress the deceased child.

No previous application.

Birth affidavit filed.

Questionable whether dead persons should be now enrolled citizens to be allotted.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Osie Crittenden

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

New Card

BIRTH AFFIDAVIT. 199

OFFICE OF INDIAN AFFAIRS RECEIVED JUL 21 1913 90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Osie Crittenden (Here insert name of child) born on the 9th day of February, 1905. 5/14 - N3

Name of Father: Alexander Crittenden a citizen of the Cherokee Nation. No. 18894

Name of Mother: Katie Crittenden a citizen of the Cherokee Nation. No. 32515

Tribal enrollment of father Cherokee by blood, Tribal enrollment of mother Cherokee by blood - full.

Postoffice Tahlequah, Oklahoma.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma
Cherokee County, District. }

I, Katie Crittenden, on oath state that I am 31 years of age and a citizen by blood, of the Cherokee Nation; No. 32515.

that I am the lawful wife of Alexander Crittenden, who is a citizen, by blood, of the Cherokee Nation, No. 18894; that a male [Male or Female] child was born to me on 9th day of February, 1905.; that said child has been named Osie Crittenden and was living March 4, 1906, but died on March 18, 1906 near Tahlequah, Okla.

Katie Crittenden

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 10th day of November 1906

R. P. Harrison, Clerk
By [illegible], Deputy. Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma
Cherokee County, District. }

I, Charlotte Dent nee Bullington Cherokee by blood, Roll No. 11219 on oath state that I was present at the death of Osie Crittenden and helped dress the deceased child

about on the 18th day of March, 1906.; that there was born to her on said [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Osie Crittenden but is no longer living.

her
Charlotte x Dent
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Newton St. Washington D.C.
Richard X. Taylor
mark
Westville Ok

Subscribed and sworn to before me this 10th day of November 1906

R. P. Harrison, Clerk
By [illegible], Deputy. Notary Public.

COPY.

Office of Indian Affairs.
Received Jul 24 1913
90635

Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as a Cherokee citizen of Osie Crettenden, deceased, taken in the course of my investigation.

Respectfully,

Enc. L-59

Assistant Attorney.

Cher 11051
William Crittenden

Cher 11051

OFFICE OF INDIAN AFFAIRS
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Department of the Interior.
Commission to the Five Civilized Tribes.
December 12, 1910.

In Re Application for Enrollment as Cherokee citizens of William and Mary Crittenden, shown upon the Eastern Cherokee Roll opposite #8837 and #8838, but not shown upon the Final Roll of the Five Civilized Tribes.

Ned Crittenden, being first duly sworn, testified through Thomas P. Roach, Interpreter, as follows:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q State your name, age and post-office? A Ned Crittenden, age thirty-six years; post-office, Proctor, Okla.
Q Are you an enrolled citizen of the Cherokee Nation? A Yes. (Cherokee Roll #16402)
Q What is your wife's name? A Carrie
Q Is she an enrolled Cherokee citizen? A Yes. (Cherokee Roll #16403)
Q Have you any children who are enrolled Cherokee citizens?
A Yes; Blue and Lucinda. (Cherokee Roll-#16404 and #16405)
Q What other children have you? A William and Mary.
Q Are they enrolled on the Final Rolls of the Cherokee Nation?
A No.
Q Did they draw their share of the Eastern Cherokee Payment?
A Yes. (Eastern Cherokee Roll-#8838 and #8838)
Q Have you a record of the dates of the birth of these children? A Yes. (Here witness submits family record, in Cherokee, which interpteted by Thomas P. Roach, interpreter, is as follows: William Crittenden, born February 10, 1902; Mary Crittenden, born March 21, 1906)
Q Have you ever made application for the enrollment of these children by the Dawes Commission? A No.
Q Why have you not made application for the enrollment of these children? A I just didn't want them enrolled.
Q Is William now living? A Yes, sir; attending school.

Carrie Crittenden, being first duly sworn, testified through Thomas P. Roach, Interpreter, as follows:

Q What is your name, age and post-office address? A Carrie Crittenden; age thirty-two years; Proctor, Okla.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #16403)
Q What is your husband's name? A Ned Crittenden. (Cherokee Roll #16402)
Q Have you children named Blue, Lucinda, Mary and William?
A Yes, sir.
Q Is your son, William, enrolled as a Cherokee citizen?
A No.

Q Has application heretofore been made for his enrollment as such? A No; we didn't want him enrolled.
Q Who is William living with? A With us.
Q Where is he now? A He is at school.
Q How old is your son William? A He will be nine years old next February.
Q Have you a record of the date of his birth? A Yes, sir. (Here witness submits same record as shown by husband).

The child, William, was seen at school, and had the appearance of a full-blood Indian, and looked to be nine or ten years of age.

The parents were Nighthawks and it was a difficult matter to get any information in regard to this matter, as they said they didn't believe in the enrollment and allotment of lands.

- - - - - - - - - - - -

W. E. Byrd, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in said case.

W. E. Byrd

Subscribed and sworn to before me on this the 27th day of December, 1910.

January

R. P. HARRISON Clerk
By R. P. Harrison
Deputy

BIRTH AFFIDAVIT. 199

OFFICE OF INDIAN AFFAIRS
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JUL 24 1913

90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation.

of William Crittenden [Here insert name of child], born on the 10th day of February 1906.

Name of Father: Ned Crittenden a citizen of the Cherokee Nation.

Name of Mother: Carrie Crittenden a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee, Roll No. 16402. Tribal enrollment of mother Cherokee, Roll No. 16403.

Postoffice Proctor Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Cherokee County ~~District~~

I, Carrie Crittenden, on oath state that I am 37 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful wife of Ned Crittenden, who is a citizen, by Blood, of the Cherokee Nation; that a male [Male or Female] child was born to me on the 10th day of February 1906, that said child has been named William Crittenden and was living March 4, 1906, and is now living living with me.

her
Carrie X Crittenden
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { W.H. Byrd, Tahlequah, Okla.
Thomas P. Roach Muskogee, Okla.

Subscribed and sworn to before me this 17th day of December 1906

R. P. Harrison - Clerk
By A Miller Deputy - Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Cherokee County DISTRICT.

I, Ned Crittenden, a ..., on oath state that I attended on Carrie Crittenden wife of ... on the 10th day of February 1906, that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named William Crittenden and is now alive living with its mother

Ned Crittenden

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 17th day of December 1906

R. P. Harrison - Clerk
By A Miller Deputy - Notary Public.

Cher. J. 134

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90635

MEMORANDA.

William Crittenden and Mary Crittenden, whose names appear on Eastern Cherokee roll Nos. 8837 and 8838, respectively, but not on the F. C. T. rolls -- no previous application because parents are nighthawks and don't believe in enrollment and allotment of lands.

William Crittenden, born February 10, 1902.

Mary Crittenden, born March 21, 1906.

William Crittenden was attending school, where he was seen and had the appearance of a full-blood Indian of the age claimed.

Father - Ned Crittenden, Proctor, Okla., full-blood Cherokee, Roll No. 16402.

Mother - Carrie Crittenden, Proctor, Okla., full-blood Cherokee Roll No. 16403.

Brother - Blue Crittenden - 7 - M - full-blood, Roll No. 16404.

Sister - Lucinda Crittenden - 4 - F - full-blood, Roll No. 16405

William Crittenden, born February 10, 1902, and living on March 4, 1906, is entitled to enrollment as a minor Cherokee full blood, while Mary Crittenden born March 21, 1906, was not living on March 4, 1906 but subsequent thereto, is not entitled to enrollment.

It is recommended that William Crittenden, born February 10, 1902, be enrolled as a minor full-blood Cherokee.

Cher 11052
Betsy Daugherty

"Alleged dup of 21861"

Cher 11052

OFFICE OF INDIAN AFFAIRS
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JUL 24 1913

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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Stilwell, Oklahoma, November 12, 1910.

In the matter of the application for the enrollment as a Cherokee citizen of Betsy Daugherty, who appears on the Eastern Cherokee Roll, but does not appear on the final roll of the Commissioner to the Five Civilized Tribes.

Testimony taken before George Reed
Clerk of the Commissioner of
Indian Affairs.

Moses Daugherty, being first duly sworn, testified as follows;
Through R. L. Taylor, United States Indian Policeman of Westville, Oklahoma, interpreter:

Q What is your name, age and postoffice address?
A Moses Daugherty, about 47 years, Stilwell, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes sir. I am a full blood (Cherokee roll No. 19222)
Q What is your wife's name? A Linda Daugherty, she is a full blood (Cherokee roll No. 19223).
Q Do you know Bemp Daugherty who is enrolled opposite Cherokee roll No. 19229 of the Cherokee rolls? A Yes sir.
Q What relation is he to you? A Step son.
Q Is he enrolled with your family? A Yes.
Q Is he living or dead? A Dead.
Q When did he die? A About three years ago.
Q Did he have a child named Jimmie Daugherty.
A I don't know of any such child.
Q Have you a child about seven years old? A Yes sir.
Q What is that child's name? A Betsy.
Q Has Betsy ever been enrolled? A Not that I know of.
Q When was Betsy born? A July 15, 1903.
Q Is Betsy living now? A Yes sir.
Q Is that the child? (Indicating the child Betsy)
A Yes sir.
Q Why did you not make application heretofore the enrollment of your child?
A I thought it was too late, and I was hurt and couldn't tend to it.
Q Was any doctor or midwife in attendance at the time of the birth of Betsy? A No doctor. Wattie Beanstick was there and served as midwife, but she's dead now.
Q Have you record showing the date of the birth of your child Betsy? A No, didn't keep any record.
Q Who was present besides Wattie Beanstick at the time of the birth of your daughter Betsy? A My daughter Wattie.
Q Where is this daughter Wattie you speak of?
A Here she is; her name is Shell now.

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RECEIVED
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Q You are quite sure that your daughter Betsy, whom you say is seven years old, has not heretofore been enrolled?
A Yes, she hasn't any land.
Q You are also sure are you, that your step-son, Soap Daugherty,, had no child? A Yes, I never heard of one.
Q Who is this child Betsy living with? A With me

Witness excused.

Wutie Shell, nee Daugherty, being first duly sworn testified as follows, through Interpreter R. L. Taylor.

Q What is your name, age and postoffice address? A Wutie Shell; about 23 years old, Stilwell, Oklahoma.
Q Are you enrolled as a Cherokee citizen?
A Yes (Cherokee roll No. 19224)
Q Do you know Mose Daugherty and Linda Daugherty?
A Yes, they are my mother and father.
Q Do you know Betsy Daugherty? A Yes, she's my sister.
Q Were you present when your sister Betsy Daugherty was born?
A Yes.
Q When was that? A Over seven years ago.
Q Have you a record of the date of the birth of Betsy? A No.
Q How do you know the date so positively? A Only by memory.
Q Do you know whether Betsy has been enrolled or not?
A No, I don't; I don't think she has because she hasn't got any land.
Q Do you know if any effort has been made heretofore to have your sister Betsy enrolled? A No, don't know anything about that.
Q You are quite sure that Betsy is over 7 years old?
A Yes, I know she is.

Witness excused.

Note: The child Betsy Daugherty was present and had every appearance of being of the blood and age claimed for her.

I, S. A. Mills, hereby certify that the above and foregoing is a true and correct copy of my long hand notes taken at Stilwell, Oklahoma, in the above entitled enrollment case, on November 12, 1910. S A Mills

Subscribed and sworn to before me this 1 day of December, 1910.

T. T. Harman
Clerk of the United States Court for the Eastern District of Oklahoma,

By D W Bynum
Deputy.

41.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

MEMORANDUM.

Betsy Daugherty, minor full blood Cherokee, born July 15, 1903. Still living, produced at the hearing and appeared to be of the age and quantum of blood claimed.

Father- Moses Daugherty- Cherokee full blood, roll No. 19222.

Mother- Linda Daugherty- deceased, Cherokee full blood, married, roll No. 19223.

Witnesses- November 12, 1910- father and daughter, Mutie Shell, nee Daugherty who attended on her deceased mother when Betsy was born. No doctor in attendance and the midwife, Mattie Beaustick, is now dead.

No prior application made by the father because "I thought it was too late and I was hurt and couldn't tend to it."

Birth affidavit filed.

Both parents being enrolled full blood Cherokees and the child Betsy being born prior to March 4, 1906 and living on that date, it is recommended that Betsy Daugherty be enrolled as a minor full blood Cherokee Indian.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Betsy Daugherty

as a citizen of

Cherokee Nation.

Approved ..... 190...

.....

Commissioner.

BIRTH AFFIDAVIT. 199

re - miller Roll.

RECEIVED JUL 24 1913 90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Betsy Daugherty, born on the 15th day of July 1903
[Here insert name of child]

Name of Father: Moses Daugherty a citizen of the Cherokee Nation. No. 19222

Name of Mother Linda Daugherty (deceased) a citizen of the Cherokee Nation. No 19223

Tribal enrollment of father Cher. Full bl. 19222 Tribal enrollment of mother Cher. Full bl. 19223

Postoffice Stilwell, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma
Adair County District

I, Moses Daugherty, on oath state that I am 47 years of age and a citizen by blood of the Cherokee Nation; No. 19222 that I am the lawful husband of Linda Daugherty (now deceased) who was a citizen, by blood, of the Cherokee Nation; No 19223 that a female child was born to her on the 15th day of July 1903; that said child has been named Betsy Daugherty and was living March 4, 1906, and is still living with me at Stilwell Okla that no doctor was in attendance at the birth of Betsy and the midwife who did attend his wife at the birth is dead, Moses X Daugherty mark

WITNESSES TO MARK:
[Must be Two Witnesses] { George Reed 1488 Newton St. Washington D.C.
R. L. Taylor Westville Okla

Subscribed and sworn to before me this 12th day of November 1906.

R. P. Harrison clerk
By A. Gillis Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma
Adair County District.

I, Wutie Shell nee Daugherty, a daughter of Moses Daugherty and a sister to Betsy Daugherty, on oath state that I attended on Linda Daugherty, wife of Moses Daugherty on the 15th day of July 1903; that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Betsy Daugherty and is now living with its father Moses Daugherty in Stilwell, Okla. Wutie X Shell her mark

WITNESSES TO MARK:
[Must be Two Witnesses] { George Reed 1488 Newton St. Washington D.C.
R. L. Taylor Westville Okla

Subscribed and sworn to before me this 12th day of November 1906.

R. P. Harrison, clerk
By A. Gillis Deputy Notary Public.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90685

Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as a Cherokee citizen of Betsy Daugherty, taken in the course of my investigation.

Respectfully,

Enc. L-71

Assistant Attorney

Cher 11053

Suagee Dirteater

Cher 11053

OFFICE RECEIVED INDIAN AFFAIRS
JUL 24 1913
90635.

DEPARTMENT OF THE INTERIOR,,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Hulbert, Oklahoma,. November 15, 1910.

In the matter of the application for the enrollment as a Cherokee citizen of Suagee Dirteater,, whose name appears on the Eastern Cherokee roll, but does not appear on the final roll of the Commissioner to the Five Civilized Tribes.

Testimony taken before George Reed
Clerk of the Commissioner of
Indian Affairs.

Mary Dirteater being first duly sworn testified as follows, through United States Indian Policeman, R. L. Taylor, Inrerpreter:

Q What is your name, age and postoffice address? A Mary Dirteater,. age 36; Hurbert, Oklahoma.
Q Are you enrolled as Mary Johnson, wife of Thomas Johnson?
A Yes (Cherokee roll No. 21342)
Q Have you a child not enrolled? A Yes.
Q What is its name? A Suagee Dirteater.
Q What is the name of its father?? A Joe Dirteater, but we have separated.
Q Was Joe Dirteater, your former husband, an enrolled Cherokee citizen? A Yes (Cherokee roll No. 18871)
Q Were you married to Joe Dirteater according to tribal laws?
A Yes sir.
Q How old is this child Suagee? A Six years next December,, this year.
Q Who was present when Suagee was born? A No one but Betsey Blossom was there.
Q Did you or your husband,. Joe Dirteater, make any record of the date of the birth of this child Suagee? A No.
Q How do fix that he will be six years old next month?
A He has a birthday every year; and I know that.
Q Did your husband Joe, and the father of Suagee, or yourself, ever apply for the enrollment of this child Suagee before today? A I thought we did. Sam Downing came around and we talked to him about it.
Q What became of the case? Was he rejected? A I don't know; Never was notified.
Q Has the child received any land? A Not that I know of.
Q Can you produce any other evidence bedides yourself as to the time of the birth of your child Suagee? A No, only Betsey Blossom, she knows; she was there when he was born.

Witness excuse .

Note The child was present and appeared to be of the age and blood claimed.

2-Dirteater.

Betsey Blossom being first duly sworn, testified as follows, through R. L. Taylor, Interpreter.

Q What is your name, age and postoffice address?
A Betsey Blossom, 70 years old, Hulbert, Oklahoma.
Q Are you an enrolled Cherokee Citizen?
A Yes, full blood (Cherokee roll 30471)
Q Do you know Mary Dirteater? A Yes.
Q Were you present when the child Suagee Dirteater, was born to her? A Yes.
Q When was he born? A December 29, 1904.
Q Have you a record of this birth? A No, only as I remember it; the child is six years old.
Q How do you arrive at the date December 29, 1904?
A We talk about it
Q Were you present when Suagee was born? A Yes, I waited on his mother when he was born.
Q Is Suagee now living? A Yes, living with his mother.

Witness excused.

I, S. A. Mill, hereby certify that the above and foregoing is a true and correct copy of my long hand notes taken in the above entitled enrollment case at Hulbert, Oklahoma, on November 15, 1910.

S. A. Mill

Subscribed and sworn to before me this 9 day of December, 1910.

R. P. Harrison
Clerk of the United States Court for the Eastern District of Oklahoma.

By S. A. Bynum Deputy.

OFFICE OF INDIAN AFFAIRS
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MEMORANDUM

Suagee Dirteater, minor full blood Cherokee, born Dec. 29, 1904, still living, produced at the hearing and appeared to be of the age and quantum of blood claimed.

The name Suagee Dirteater appears on Eastern Cherokee roll No. 9760 but not on E. C. T. roll.

Father- Joe Dirteater- full blood Cherokee, Roll No. 18871.

Mother- Mary Johnson Dirteater, full blood Cherokee, Roll No. 21342.

Witnesses November 15, 1910, mother and midwife, named Betsey Blossom of Hulbert, Okla. Parents alleged to have been married but are now separated and the child is living with its mother.

As to prior application, mother said "I thought we did, Sam Downing came around and we talked to him about it."

Both parents being enrolled full blood Cherokees and the child having been born prior to March 4, 1906, and was living on that date, it is recommended that Suagee Dirteater be enrolled as a minor full blood Cherokee.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Snagee Dirteater

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

per Miller Roll

RECEIVED
JUL 24 1913
90635

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Suagee Dirteater born on the 29th day of December 1904
(Here insert name of child)

Name of Father: Joe Dirteater a citizen of the Cherokee Nation No 18841

Name of Mother: Mary Johnson Dirteater citizen of the Cherokee Nation No. 21342

Tribal enrollment of father Cherokee, 1896, Tribal enrollment of mother Cherokee, 21342

Postoffice Tahlequah, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma
Cherokee County, District. }

I, Mary Johnson Dirteater, on oath state that I am 35 years of age and a citizen by blood, of the Cherokee Nation No 21342 that I am now the lawful wife of Joe Dirteater (my second husband), who is a citizen, by blood, of the Cherokee Nation, No 18841 that a male child was born to me on 29th day of December 1904; that said child has been named Suagee Dirteater and was living March 4, 1906, and is now living with me at Hulbert, Okla. Mary Johnson her X Dirteater mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Newton St. Washington D.C.
R. L. Taylor Westville Okla

Subscribed and sworn to before me this 15th day of November 1960

R. P. Harrison - Clerk
By A. Miller Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma.
Cherokee County, District. }

I, Betsy Blossom, a midwife, on oath state that I attended on Mary Johnson Dirteater wife of Joe Dirteater on the 29th day of Dec, 1904, that there was born to her on said date a male child (Male or Female); that said child was living March 4, 1906, and is said to have been named Suagee Dirteater and the child is living with its mother at Hulbert, Okla Her Betsy X Blossom mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Newton St. Washington D.C.
R. L. Taylor Westville Okla

Subscribed and sworn to before me this 15th day of November 1960

R. P. Harrison - Clerk
By A. Miller Deputy Notary Public.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as a Cherokee citizen of Suagee Dirteater, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-55

RECEIVED
SUPT. 5 CIV. TRIBES
DEC 14 1914
ENCLOSURE TO
No. 91961

Tahlequah, Oklahoma,

December 11, 1914.

T O W N S I T E
Cherokee Money due
Sumgee Dirteater, Minor.

Hon. Dana H. Kelsey,
Supervisor in Charge,
Muskogee, Oklahoma.

Sir:

There is enclosed herewith proof of heirship in the matter of the estate of Sumgee Dirteater, minor, whose name was placed on the rolls of Cherokee Citizens by the Act of August 1, 1914. There is a note on the bottom of this proof of heirship to the effect that Joe Dirteater the father of this deceased minor, never lived with the mother or contributed to the support of this minor during its lifetime, and in my judgment, should receive no part of this money if it can be prevented. As soon as heirship has been determined and funds available in this account, I will thank you if you will so advise me.

Respectfully,

Enc.

OJH:MRH

Field Clerk.

Cher 11054
Laura Downing

Cher 11054

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913

DEPARTMENT OF THE INTERIOR. 90635

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a Cherokee Citizen, of Laura Downing, as shown upon the Eastern Cherokee Roll opposite No.9916, and shown not to be upon the Cherokee Final Rolls of the Five Civilized Tribes.

Proceedings had near Long P.O. Oklahoma, December 20, 1910, by Mr. S. A. Mills, on behalf of the Commissioner.

Interpreted by Thomas P. Roach, Official Interpreter, of Muskogee, Okla.

Examination by Mr. Mills:

Jane Daugherty nee Smith being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Jane Daugherty, nee Smith, age about 48, Post Office Long, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes sir; a full blood. (See F.C.R.#20943)
Q Do you know one Amanda Needles, nee Downing? A Yes sir.
Q Do you know Eli Downing? A Yes.
Q Are they both Cherokee Citizens? A Yes sir; everyone understands them to be.
Q Do you know if they are enrolled Cherokee Citizens? A I guess they were.
Q Do you know a child born to them by the name of Laura Downing? A Yes; she was born right here at home.
Q Where is that Laura Downing now living? A She is alive and living with her parents now.
Q When was that child, Laura Downing, born? A About seven years ago; I don't remember theday of the month she was born, it was early in the fall.
Q Have you any written record of the date of the birth of Laura Downing? A No sir.
Q Did you act in the capacity of midwife at that time? A I know that the child Laura was born at that time for she was born here in my house

Further proceedings had at Wian, Oklahoma December 22, 1910.

Amanda Needles nee Downing being first duly sworn testifies as follows:

Q State your name, age and Post office address? A Amanda Downing, age 37, P.O. Short Okla.
Q What is your husband's name? A Eli Downing?
Q Is he an enrolled Cherokee Citizen? A Yes. (See F.C.R.#3777.
Qare you an enrolled Cherokee Citizen? A Yes (See F.C.R.#30059)
Q What children have you, if any? A Just one, a girl, Laura.
Q Who is the father of this, your child, Laura? A Eli Downing.
Q Is your daughter Laura enrolled upon the Final Rolls of the Cherokee Nation? A No sir; I went to get her on the Roll.
Q Was she enrolled upon the Eastern Cherokee Rolls and did she get her share of the Eastern Cherokee fund? A Yes. (See R.C.R.#9916)
Q When was this, your daughter Laura born? A Born 1st day of September, 1903.
Q Is your daughter Laura now living? A Yes sir; here she is--indicating the child.

Q Have you a written record of that date? A No, I cannot write.
Q How do you know it was September 1st, 1903. A I know it was the first day of September 1903 because this is the only child I have and she was seven years old last September.
Q Have you ever heretofore made application for the enrollment of your daughter Laura upon the Final Rolls of the Five Civilized Tribes? A Yes; about four years ago I went to one H.H. Richardson, of Roland, and had him make out an application and paid him one dollar to make it out and he was to send it to the Dawes Commission for me giving in the name of Laura to be put on the Rolls.
Q Did you ever hear anything more from that? A No sir; I never heard any more from that; last year I went to see Mr. Watts, at Muldrow, and made out an affidavit for me to send to the Dawes Commission and I never heard anything more about it.
Q Then you have made an effort to have this child Laura enrolled by the Dawes Commission? A Yes sir; like I told you.
Q Who was present at the time your daughter Laura was born to you? A Jane Smith, she is now Jane Daugherty. Laura was born in her house.
Q Then you are sure beyond a question of a doubt that your child Laura was born Sept. 1, 1903? A Yes sir; I am sure because she was seven years old the first day of last September. She was my only child and I remember it.

The child is present and appears to be of the age and blood claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 6th day of January, 1911.

R. P. Harrison, Clerk.
By Edward Hearn
Deputy.

OFFICE OF INDIAN AFFAIRS
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JUL 24 1913
90635

Cherokee J. 79.

MEMORANDUM.

Laura Downing, P. O. Short, Oklahoma, on Eastern Cherokee roll No.916, not on F. C. T. rolls, born Sept. 1, 1903, now living- a previous application was made by the mother who had H. H. Richardson of Roland, Okla., make it out for one dollar and he was to send it to the Dawes Commission about four years ago- also had Mr. Watts at Muldrow, Okla., make out an affidavit, but never heard anything from the Dawes Commission.

Father, Eli Downing cherokee roll No. 3771-full blood.

Mother, Amanda Needles, Cherokee roll No.30059-full blood.

Recommended- that Laura Downing be enrolled as a minor full blood Cherokee.

BIRTH AFFIDAVIT. 199

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Laura Downing [Here insert name of child] born on the 1st day of Sept 1903.

Name of Father: Eli Downing a citizen of the Cherokee Nation.

Name of Mother: Amanda Nedler nee Downing a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee 3771 Tribal enrollment of mother Cherokee 30059

Postoffice Stout Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF ~~AMERICA, Indian Territory.~~
State of Oklahoma } ss.
Adair County } ~~District.~~

I, Amanda Downing nee Nedler, on oath state that I am 37 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of Eli Downing, who is a citizen, by Blood of the Cherokee Nation; that a Female [Male or Female] child was born to me on 1st day of September 1903; that said child has been named Laura Downing and was living March 4, 1906.

Amanda her X Downing nee Nedler
mark

WITNESSES TO MARK:
[Must be Two Witnesses]
C. L. Thompson Witness Okla
Cowling Vann

Subscribed and sworn to before me this 7th day of Nov. 1906

R. P. Harrison
Clerk U.S.
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory.~~
State of Oklahoma
Pegonal County ~~District.~~

I, Jane Daugherty, a ....., on oath state that I attended on Amanda Downing, wife of Eli Downing on the 1st day of September 1903; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Laura Downing

Mother is now alive, living with her parents

Jane her X Daugherty
mark
P.O. Stout Okla

WITNESSES TO MARK:
[Must be Two Witnesses]
W. E. Foltz Muskogee Okla

Subscribed and sworn to before me this 9th day of December 1906

R. P. Harrison - Clerk
By Allison, Deputy
~~Notary Public~~

Cher 11055
Porter Drywater

er 11055

OFFICE OF INDIAN AFFAIRS
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JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

--- ---

IN RE APPLICATION FOR ENROLLMENT, as a Citizen of the Cherokee Nation, of Porter Drywater.

PROCEEDINGS had at Tahlequah, Oklahoma, November 21, 1910, by Mr. George Reed, on behalf of the Commissioner.

Interpreted by E. L. Taylor, Indian Policeman, of Westville, Okla.

Examination by Mr. Reed:

Samuel Drywater being first duly sworn testifies as follows:

Q What is your name, age and Post Office address? A Samuel Drywater; age 38 years old; P.O., Oaks, Okla.

Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#18802)

Q What is your wife's name and age? A My first wife was Jennie Drywater, she is dead. (See F.C.R.#18803) A new wife one year ago; she was Annie Stealer. (See F.C.R.#28242)

Q Have you any children who are enrolled as Cherokee Citizens? A Yes; Jessie and Susie. (See F.C.R.#18804 and 30517)

Q Have you any children who are notenrolled? A Yes; a boy, Porter Drywater and a baby, John Porter. Porter was born to Annie, first wife; andJohn, one year old, to Jennie, second wife.

Q What date was Porter born? the year, month and day? A Nov. 6, 1905.

Q Have you any record of the date? A Yes; Family Record in this book. (Here witness submits an account book which shows an entry in Cherokee, which being read and interpreted by the interpreter read, "Porter Drywater, born Nov. 6, 1905.

Q When was this record made? A When each child was born.
(The book shows what is purported to be the dates of the birth of the several members of the family, commencing on June 22, 1894 with Jessie, Susie Apr. 26, 1899, Buck Mar. 7, 1902, Dick Feb. 21, 1904; Porter Nov. 6, 1905.)

Q Who made these entries? A Myself when each child was born.

Q Did you draw Eastern Cherokee money for all your children atthis last distribution by Mr. Miller? A Yes; for my dead wife Jennie and my present wife, and for Jessie and Susie, but not for Buck, he died seven years ago.

Q Why did you not draw for Buck and Dick and your child Porter? A I don't know, only they were left off by mistake.

Q How is that? A I forgot ti give in the name of Bcuk and Dick, and Porter, he was living with Betsy Campbell and I thought she would puthim in and she thoughtI would, and as we each were depending upon the other he didn't get on.

Q How was it that Betsy Campbell is raising Porter and you being married? A When Porters mother died I gave him to her to raise because I could not carefor him and Betsy being of kin and wanting him I left her have him.

Q Who was present when Porter was born? any Doctor? A No Doctor, but Polly Agent waited upon my wife.

Q Have you ever made application to the Dawes Commission for the enrollment of this child Porter? A No. It is like I told you; I

left it to Betsy Campbell, I thought she would attend to it as she had him and she left it to me, so we never did anything.

The child present at the investigation was very small, looked to be not over four years of age. The father, on Saturday, stated that he was born November, 1906, and later same day stated that he was born June 1906, but did not have record hood with him then and further hearing in the matter was continued until today at which time the above referred record book as to the dates of the birth ofPorter and the several members of the family was produced.

Polly Agent being first duly sworn testified as follows:

Q What is your name, age and Post Office address? A Polly Agent; I am about 43 years old; P.O., Moody, Okla.

Q Are you an enrolled Cherokee Citizen? A Yes; full blood. (See F.C.R.#18419)

Q Do you know Samuel Drywater and Jennie Drywater, his wife? A Yes; Jennie is dead.

Q Did you wait on Jennie when Porter was born? A Yes.

Q When was that? A Nov. 6, 1905.

Q How do you fix that date so positively? have you any book record of it? A No; just from memory; I know the child is five years past old. I have a child who was two years old when this child was born and my child is seven years old now.

Q Is Porter Drywater now living? A Yes; that is him--indicating the child.

Q Who is this child, Porter Drywater, living with now? A Betsy Campbell, near Moody, Okla.

Q Do you know if he is enrolled or not? A No.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

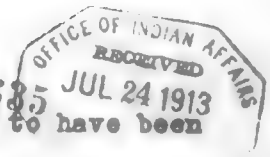
W E Foltz

Subscribed and sworn tobefore me on this 11th day of January, 1911.

R. P. Harrison, Clerk.

By Edward McGinnis
Deputy.

M E M O R A N D U M.



90685

Cher. J. 113

Porter Drywater, P. O., Oaks, Okla., alleged to have been born Nov., 1906, then June 1906, and later sworn to have been born Nov. 6, 1905. Child produced and did not look to over four years of age.

Father, Samuel Drywater, Cher. roll No.18802, full blood.

Mother, Jennie Drywater, Cher. roll No. 18803, full blood.

Brother, Jesse Drywater, Cher. roll No. 18804, full blood.

Recommended that Porter Drywater be not enrolled.

BIRTH AFFIDAVIT. 199

RECEIVED
JUL 24 1913
OFFICE OF INDIAN AFFAIRS
90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Porter Dreywater, born on the 6 day of Nov 1905
(Here insert name of child)
Name of Father: Samuel Dreywater, a citizen of the Cherokee Nation No. 18802
Name of Mother Jennie Dreywater, a citizen of the Cherokee Nation No. 18803
Tribal enrollment of father Cher. full blood No. 18802. Tribal enrollment of mother Cher. full blood No. 18803.

Postoffice .....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma
Cherokee County District } ss.

I, Samuel Dreywater, on oath state that I am ..... years of age and a citizen by blood, of the Cherokee Nation No. 18802 that I am the lawful husband wife of Jennie Dreywater (now deceased), who was a citizen, by blood, of the Cherokee Nation; that a male (Male or Female) child was born to me on her 6th day of November 1905; that said child has been named Porter Dreywater and was living March 4, 1906, and is still living and present with me this day.

Samuel Dry water

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 21st day of November 1906

R. P. Harrison — Clerk
By Affleck, Deputy
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, } Cherokee County
Cherokee County District } ss.

I, Polly Agent No. 18419, a midwife, on oath state that I attended on Jennie Dreywater, wife of Samuel Dreywater and gave into Samuel Dreywater
on the 6th day of Nov 1905; that there was born to her on said date a male (Male or Female)
child; that said child was living March 4, 1906, and is said to have been named Porter Dreywater
and is still living and present with its parents.

her
Polly + Agent
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Newton St. Washington D.C.
R. L. Taylor Westville Okla.

Subscribed and sworn to before me this 21st day of November 1906

R. P. Harrison — Clerk
By Affleck, Deputy
Notary Public

Cher 11056
Willie Elk

Cher 11056

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

Department of the Interior.

Commissioner to the Five Civilized Tribes.

Sallisaw, Oklahoma, December 17, 1910.

In re application for enrollment as Cherokee Citizen of Willie Elk, as shown upon the Eastern Cherokee Roll opposite Roll No. 10562, and shown not to be upon the Final Rolls of the Five Civilized Tribes.

Interpreted by Thomas F. Roach, official interpreter, of Muskogee, Okla.

Examination by Mr. S. A. Mills on behalf of the Commissioner:

Sam Elk being first duly sworn testifies as follows:

Q State your name, age and post office address? A Sam Elk, age 26, post office Sallisaw, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes sir. (See F. C. R. #19291)
Q What is your wife's name, if you have one? A Nannie Elk.
Q Is she an enrolled Cherokee Citizen? A Yes sir. (See F. C. R. #32064)
Q Have you a child named Willie Elk, who is not enrolled upon the Final Rolls of the Cherokee Tribe? A Yes, sir.
Q Where is that child now? A Her---indicating the child.
Q When was this, your child, Willie Elk born? A Born on March 1, 1906.
Q Have you a record of the date of that birth? A No sir.
Q How do you fix the date so positively to be March 1st, 1906? A Because it was the first child that was born to us and I remember it, and I talked it over with friends and neighbors who know when the child was born.
Q Who was present when your son Willie was born? A This woman here, Lucy Pettit, she waited on my wife when the child was born.
Q Have you any other way of determining that date excepting a matter of memory? can you not fix it by some incident or coincident? A Because I remember town-working at Rich Baldridge the day Willie wasborn.
Q Can you not be mistaken as to the year, month and day you have mentioned to be the date of the birth of this child? A No sir.
Q Have you heretofore made application for the enrollment of this your son Willie? A No sir.
Q Why not? A Because I did not know how, and I was a Nighthawk.

Nannie Elk being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Nannie Elk, age 30, P. O. Sallisaw, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes, (See F.C.R. #32064)
Q Are you the wife of Sam Elk? A Yes sir.
Q Have you a son called Willie Elk? A Yes sir.
Q Have you made application heretofore, or has any one ever for him to be enrolled a Cherokee citizen? A No sir.
Q How old is this your son Willie? A Four years old.
Q Four years old when? A He is already 4 years old; he will be 5 years old the 1st day of March next.

(COPY)

Q Have you a record of the date of the birth of this your son Willie?
A No sir.
Q How do you fix the date of his age to be 5 years old the 1st day of next March? A Because I am the mother of the child, any mother ought to know the age of her children.
Q Then you have no other way of fixing the date of the birth of your child except as stated? A There was town working nearby at Rich Baldridge the day when Willie Was born.
Q Who was present at the birth of your son Willie? A This woman here, Lucy Pettit.
Q Is Willie your oldest child? A Yes sir.

Lucy Pettit being first duly sworn testifies as follows:
A State your name, age and post office address? Lucy Pettit, age about 46, Post Office, Sallisaw, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes sir. (See F.C.R. #29868)
Q Are you well asquainted with the family of Sam and Nannie Elk? A Yes sir.
Q Do you know their son Willie? A Yes, sir, I was present when he was born and acted as midwife.
Q When was this Willie Elk born? A I do not know, I am not well educated. He will be five years old in the Spring, about March 1st.
Q Have you any record or any way that you can fix the date of the birth of this child more accurately? A I just remember it by the fact that I have a child one year older. (See F. C. R. by blood of Minor Children #3817)
Q Who is this child Willie living with? A Living with his father and mother.

The child was present and appeared to be of the age and blood claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in said case.

W. E. Foltz

Subscribed and sworn to before me on this 4th day of January, 1911.

R. P. Harrison, Clerk.
(SEAL) By Edward Merrick, Deputy.

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90635

62.

MEMORANDUM.

Willie Elk- Eastern Cherokee Roll No. 10362, not enrolled on P. C. T. roll. Born March 1, 1906, still living, produced at the hearing and appeared to be of the age and quantum of blood claimed.

Father- Sam Elk, P. O. Sallisaw, Okla., full blood Cherokee, roll No. 19291.

Mother- Nannie Elk, enrolled as Nannie Foreman, full blood Cherokee, Roll No. 32064.

Witnesses - December 17, 1910, father, mother and midwife named Lucy Pettit, full blood Cherokee, Roll No. 29868. Midwife testified that Willie Elk was one year younger than her child, Nancy Pettit, Roll No. 3819-Full blood.

Father made no previous application because he was a Nighthawk and opposed to enrollment.

The child having been born prior to March 4, 1906 and living on that date as the issue of enrolled parents, it is recommended that Willie Elk be enrolled as a minor full blood Cherokee.

Cher 11057
Grant Feather

Cher 11057

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DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Stilwell, Oklahoma, November 12, 1910.

In the matter of the application for the enrollment of Grant Feather and Lydia Feather as citizens by blood of the Cherokee Nation, as shown by the Eastern Cherokee Roll to be not enrolled; also of Dolly Feather not heretofore reported.

Proceedings had before George Reed, Clerk to the Commissioner of Indian Affairs.

Joseph Feather, being first duly sworn, testified through R. L. Taylor, U. S. Indian Policeman, sworn interpreter, as follows:

ByMr. Reed:

Q What is your name, age and post office address? A Joseph Feather, about thirty-one years old, postoffice, Stilwell, Okla.
Q Are you enrolled as a citizen of the Cherokee Nation? A Yes. (See Dawes Commission Cherokee Roll No. 19136).
Q Who is your wife? A Ada Feather, a white woman.
Q Is Ada [illegible]ther your lawful wife? A No.
Q Did you take her on as your wife and recognize her as such and hold her out to your people as such? A Yes.
Q And do you still continue to do so? A Yes.
Q How many children has she by you. A Four.
Q Are any of them enrolled as Cherokee citizens? A No.
Q Have you ever applied to the Dawes Commission for the enrollment of any of these children before today? A No.
Q Why have you never applied before today? A Because I didn't know when it would be opened up.
Q Didn't you say amoment ago, during our preliminary conversation, that someone wanted $200.00 to enroll them? A Yes, that is what I said.
Q And that is the reason why you have not applied because you did not have the money? A Yes.
Q Were you ever married to Ada Feather either under the Cherokee or National laws? A No sir, we just took up and lived together like the Cherokees do.
Q What is the name of your oldest child? A Grant Feather.
Q When was he born? A On the 20th day of September, 1902.
Q What is the name of the next eldest child? A Lydia Feather.
Q When was she born? A On the 31st day of August, 1904.
Q The next one? A Dolly Feather.
Q When was Polly born? A On the 11th day of November, 1905.
Q The next one, you said you had four, I believe? A Its not a year old yet; it was born last fall.
Q Are these children all present, Grant, Lydia and Dolly? A Yes; there they are, excepting Lydia, she died on July 14, 1905.
Q Have you a record of the dates of the birth of these children? A No, we did have one but I don't know where it is; I guess it is lost.
Q How do you fix the dates of their birth, as you have given them, so positively, and as to the date of the death of Lydia? A Just by remembering it. I know that is right.

Q Who was present at the birth of Grant Feather, was there a Doctor or a mid-wife? A There was no doctor and the mid-wife is dead; there was no one there but myself and Mr. Randle, the father of my wife.
Q Who was present at the birth of Lydia Feather? A Linda Feather.
Q Who was present at the birth of Dolly Feather? A Same woman, Linda Feather.

Witness excused.

Note: Grant and Dolly Feather were present, with the infant in its mother's arms, and they appear to be of part Cherokee blood and of the age claimed.

Ada Feather, being first duly sworn, testified as follows:

By Mr. Reed:

Q What is your name? A Ada Feather.
Q You are the wife of Joseph Feather, a Cherokee citizen, who has just testified? A I suppose so, anyway that is what they call it.
Q Were you ever married to him under the Cherokee or National laws? A No, we just went together like the Cherokees did.
Q Do you recognize Joseph Feather as your husband and he you as his wife, and do you hold each other out to the world as husband and wife? A Yes, we always have.
Q Are you a full-blood white woman? A Yes, my father and mother are white folks.
Q Since you and Joseph Feather have been living together as man and wife, as you say, what children have been born to you, if any? A Four.
Q Are they all living? A No, three living, one dead.
Q What is the name of your eldest child? A Grant Feather.
Q When was he born? A 20th of September, 1902.
Q Is he living now? A Yes.
Q Does he live with you? A Yes he is living with us.
Q What is your next child named? A Lydia.
Q When was Lydia born? A August 31, 1904.
Q Is Lydia living now and living with you? A No, she died on July 14, 1905.
Q What is the name of the next child? A Dolly Feather.
Q When was she born? A November 11, 1905.
Q Is she living now? A Yes, and living with us, and this baby.
Q When was the baby born? A Late last fall.
Q Is the father of these children enrolled as a citizen of the Cherokee nation? A Yes, he is a full-blood (See Dawes Commission Cherokee Roll No. 19138).
Q Has any effort heretofore been made for the enrollment of these children? A I don't know anything about that; Joe talked about it; that is all I know.
Q Then you don't claim any Indian blood? A No, but I ought to have a right as an intermarried.
Q Who was present when these children were born? A No one but my father when Grant was born; Joe went after someone and didn't get back until next day, and when he got back the child was born, and he said he couldn't get the woman he went after. When Lydia and Dolly was born, Linda Feather was there; she waited on me.

Q Have you a record of the deates of the birth of these children?
A No, not now, we had one; I put it down but in moving around some way it got lost, and I couldn't find it; I don't know where it is.

Witness excused.

W. G. Randle, being first duly sworn, testified as follows:

by Mr. Reed:

Q What is your name, age and postoffice address? A W. G. Randle, about sixty years old, Stilwell, Oklahoma.
Q Do you know Joseph Feather and his wife, Ada Feather? A Yes, they are my son-in-law and my daughter.
Q Were they ever married to your knowledge? A No sir; only they just married like the Cherokees do.
Q How is that? A They just took up with each other, and have been living together ever since, just like the Cherokees do.
Q How many children has your daughter as the children of Joseph Feather? A She has had four, but one of them is dead now.
Q What are the names of these children? A Grant, a boy, the oldest; then Lydia, she's dead, and Dolly and the Baby.
Q Were you present when any of these children were born? A Yes, when Grant was born. When my daughter took sick, Joe went after a mid-wife, and when he got back the baby was born.
Q Was any one else there when the childr was born? A No one but myself, we had to do the best we couldX Linda Feather waited on my wife when Lydia and Dolly were born.
Q Do you know of any record which will show the dates of the birth of these children and the date of the death of Lydia? A No my daughter said that she put it down in a book, but she has lost it.
Q Are you or your wife, the mother of Ada, of Indian blood? A No.

Witness excused.

By Mr. Reed:

Ada Feather, the mother of Grant, Lydia and Dolly Feather, is a non-citizen white woman, and admits that she was never married to Joseph Feather, but simply took up with him and had by him the afore mentioned children, and her father, W. G. Randle, also admits in the presence of the husband and the wife that he has no knowledge of any legal marriage between them. The husband also admits in the presence of his wife and her father that he simply took up with the mother of these children. In view of the fact that there is no evidence of any statutory marriage, and the admission of the parent of the non-citizen wife that there was no legal marriage, and the

children, being illegitimate, must take the status of the mother and cannot be enrolled as citizens of the Cherokee Nation, notwithstanding the enrollment of the father. In view of the above facts, I am of the opinion that, though the names of Grant and Lydia Feather appear upon the Eastern Cherokee Roll, they are not entitled to enrollment as citizens of the Cherokee Nation.

Case closed.

Vester W. Rose, after being sworn, states that the above and foregoing is a correct and complete transcript of his stenographic notes taken in the above matter on the date therein mentioned.

Vester W. Rose

Subscribed and sworn to before me this 7th day of December, 1910.

A. Barry Montague
Notary Public.

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MEMORANDUM.

Grant Feather - minor Cherokee by blood- born Sep. 20, 1908 - living.

Lydia Feather - minor Cherokee by blood - born Aug. 21, 1904, died July 14, 1905.

Baby Feather - minor Cherokee by blood - born Nov. 11, 1906- living.

Infant - name not given - born "last fall" - living.

Father - Joseph Feather, P. O. Stillwell, Okla., full blood, Cher. No. 19138.

Mother - Ada Feather - a nonecitizen white woman.

Witnesses - Nov. 12, 1910 - were Joseph Feather, the father, Ada Feather, the mother, and W. G. Rundle, father of the wife and mother - also birth affidavits executed.

Parents were not married in accordance with the laws of either the Cherokee Nation or the United States - just went together - took up with each other and have been living together, just like the Cherokees do. No evidence of marriage and no claim they were married - just took up with each other.

There being no marriage, the children are illegitimate and take the status of the mother who is not enrolled.

The names of Grant Feather and Lydia Feather appear upon the Eastern Cherokee roll opposite Nos. 10040 and 10041, respectively.

Birth affidavits filed.

Recommends that none of the children be enrolled, because of no marriage of parents and mother, a nonecitizen white woman.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Grant Feather

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

See Miller Roll

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Grant Feather, born on the 20 day of September 1902
[Here insert name of child]

Name of Father: Joseph Feather a citizen of the Cherokee Nation.

Name of Mother: Ada Feather a non-white woman citizen of the ~~Nation~~.

Tribal enrollment of father Cherokee 19138. Tribal enrollment of mother not enrolled.

Postoffice Stilwell, Oklahoma.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma.
Adair County, District.

I, Ada Feather, on oath state that I am 31 years of age and a non-white woman citizen by the Cherokee Nation; that I am the ~~lawful~~ wife of Joseph Feather, who is a citizen, by blood, of the Cherokee Nation, Roll No. 19138; that a male [Male or Female] child was born to me on 20th day of September 1902, that said child has been named Grant Feather and was living March 4, 1906, and is still living and present with me.

ada Feather

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 12th day of November 1906

R. P. Harrison, Clerk
By [illegible], Deputy
~~Notary Public~~.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma.
Adair County, District.

I, W. G. Randell the father of Ada Feather, on oath state that I attended on Ada Feather, wife of Joseph Feather on the ~~confinement~~ in 1902, that there was born to her a ~~natural~~ male [male or female] child; that said child was living March 4, 1906, and is said to have been named Grant Feather and is still living with its parents.

his
W. G. X Randell
mark

WITNESSES TO MARK:

[Must be Two Witnesses] George Reed #1488 Newton Washington D.C.
R. L. Taylor Westville Okla.

Subscribed and sworn to before me this 12th day of November 1906

R. P. Harrison, Clerk
By [illegible], Deputy
~~Notary Public~~.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906

Lydia Feather

as a citizen of

Cherokee Nation.

Approved..... 190...

.....
Commissioner.

Re: mills pd

BIRTH AFFIDAVIT. 199

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DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Lydia Feather, born on the 31st day of August 1904

(Here insert name of child)

Name of Father: Joseph Feather a citizen of the Cherokee Nation.

Name of Mother: Ada Feather a non-citizen ~~of the~~ white woman Nation.

Tribal enrollment of father Dec 4th 1938 Tribal enrollment of mother not enrolled.

Postoffice Stilwell, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma

Adair County ~~District~~

I, Ada Feather, on oath state that I am 31 years of age and a non citizen by white woman of the Cherokee Nation; that I am the lawful wife of Joseph Feather, who is a citizen, by blood, of the Cherokee Nation; that a female (Male or Female) child was born to me on 31st day of August, 1904; that said child has been named Lydia Feather and was not living March 4, 1906 but died on Oct 14-1905.

Ada Feather

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 17th day of November 1913

R. P. Vernon, Clerk

By A Ellis, Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma

Adair County ~~District~~

I, Linda Feather Dec 4th 1938 a half-sister to Lydia Feather on oath state that I attended on Ada Feather, wife of Joseph Feather on the 31st day of August, 1904; that there was born to her on said date a female (Male or Female) child; that said child was living March 4, 1906, and is said to have been named Lydia Feather but died on Oct 14, 1905.

her
Linda X Feather
mark

WITNESSES TO MARK:

[Must be Two Witnesses] George Reed 1/4 B Muskogee Mark Wade Stilwell Okla

R. L. Taylor Westville Okla.

Subscribed and sworn to before me this 17th day of November 1913

R. P. Vernon, Clerk

By A Ellis, Deputy Notary Public.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Dolly Foster

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

new card

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BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Dolly Feather, born on the 11th day of Nov 1905.
[Here insert name of child]
Name of Father: Joseph Feather a citizen of the Cherokee Nation.
Name of Mother: Ada Feather a non-white woman citizen of the Nation.
Tribal enrollment of father Cherokee 19138 Tribal enrollment of mother not enrolled.
Postoffice Stillwell, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma
Adair County, [District].
I, Ada Feather, on oath state that I am 31 years of age and a non-white woman citizen by blood of the Cherokee Nation; that I am the lawful wife of Joseph Feather, who is a citizen, by blood of the Cherokee Nation, Roll no. 19138; that a female child was born to me on 11th day of November 1905.; that said child has been named Dolly Feather and was living March 4, 1906 and is still living and present with me.

Ada Feather

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 12th day of November 1906

R. P. Harrison, Clerk
By [illegible] Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma
Adair County, [District].
I, Linda Feather Cherokee 19812, a half-blood Cherokee Indian woman on oath state that I attended on Ada Feather, wife of Joseph Feather on the 31st day of August 1905, that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Dolly Feather and is still living.

Linda Feather

WITNESSES TO MARK:

[Must be Two Witnesses] George Reed 1488 Mentana St, Washington D.C.
R. L. Taylor Westville Okla

Subscribed and sworn to before me this 17th day of November 1906

R. P. Harrison, Clerk
By [illegible] Deputy Notary Public.

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Muskogee, Oklahoma, December 8, 1910.

Hon. W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith a copy of the testimony respecting the enrollment as Cherokee citizens of Grant Feather et al., taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-22

Cher 11058
Pearle Fields

Cher 11058

(COPY)

Office of Indian Affairs
Received Jul 24 1913
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Office of Indian Affairs
Received Apr 18 1911
33992

Department of the Interior,
Commission to the Five Civilized Tribes,
Salliaaw, I. T., August 9, 1900.

In the matter of the application of Squirrel Fields for the enrollment of himself, wife and one child as Cherokees by blood; being sworn and examined by Commissioner Needles, through J. R. Sequichie, he testified as follows:

Q What is your name? A Squirrel Fields.
Q How old are you? A 50.
Q What is your post office? A Vian.
Q Are you a Cherokee citizen by blood? A Yes, sir, a full blood.
Q What district do you live in? A Illinois.
Q How long have you lived in the Illinois district? A 7 years.
Q How long have you lived in the Cherokee Nation? A I was was born and raised right here.
Q What is the name of your father? A Daniel Fields.
Q Is he living? A No, sir.
Q When did he die? A He died after peace was made.
Q What is the name of your mother? A Fields.
Q Is she living? A No, sir, she died before my father.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Nannie.
Q How long have you been married; when did you marry?
A Two years ago.
Q What is your wife's name, before you married? A Nannie Bolin.
Q Is she a Cherokee by blood? A Yes, sir.
Q How old is she? A 28.
Q What is her father's name? A Martin Bolin.
Q Is he living? A Yes, sir.
Q What is your wife's mother's name? A Annie.
Q Is she living? A Yes, sir.
Q Have you got any children? A Yes, sir, one.
Q What is its name? A James.
Q How old is James? A 5 months old.
Q Is that the only one you have under 21 years of age? A Yes that is all living.
(On 1880 roll, page 17, No. 455, Squirrel Fiends, Canadian district; on 1896 roll, page 857, No. 625, Squirrel Fields, Illinois district; on 1894 roll, page No. 645, Squirl Fiends, Canadian district. Nancy Fields on 1880 roll, page 552, No. 123, Dian Bowlin, Flint district; on 1896 roll, page 650, No. 510, Dian Bowlin, Flint, dist.; on 1894 roll, page 515, No. 216, Ti-a-na Bowlin, Flint district.)
Q Has she got a child, you say? A She has got one stepchild.
Q What is its name? A Lila Blair.
Q How long ago were you married? A Over 2 years ago.
Q Are these children alive and living with you? A Yes, sir.

The name of Squirrel Fields appearing upon the authenticated roll of 1880, as well as the census roll of 1896 and the pay roll of 1894, and the name of his wife, Nancy, appearing upon the authenticated roll of 1880 and the census roll of 1896 and the pay roll of 1894 as indicated in the testimony, and satisfactory proof having been made as to their residence, they will be enlisted by this Commission for enrollment as Cherokee citizens by blood. And his son James, 5 months old, and her daughter, Lila 3 years old, their names appearing upon no roll, they will be duly enlisted for enrollment by this

Commission upon a proper certificate of their birth being made.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 15th day of August, 1900.

C. R. Breckenridge.

Commissioner.

DEPARTMENT OF THE INTERIOR,

MUSKOGEE, OKLAHOMA, JANUARY 17, 1911.

In the matter of the application for the enrollment of Pearle Fields as a citizen by blood of the Cherokee Nation.

Proceedings had before Charles F. Bliss, Supervising District Agent.

No appearance on behalf of the Cherokee Nation.

NANNIE FIELDS, being first duly sworn and examined, testified as follows:

BY MR. BLISS:

Q What is your name? A Nannie Fields.
Q How old are you? A About 41 years old.
Q What is your postoffice? A Vian.
Q Are you a full blood Cherokee? A Yes sir.
Q Who is Lela Blair? A My oldest child.

NOTE:

Nannie Fields is identified upon the final roll of citizens by blood of the Cherokee Nation opposite No. 29735, as a full-blood, 30 years of age, Census Card No. 1222. Immediately following her name on said roll appears the name of Lela Blair.

Q What is your husband's name? A Squirrel Fields.
Q Who is James Fields? A My boy, first I married Blair then Fields.
Q This James Fields then is your oldest boy by your second husband? A Yes sir.
Q Wallace Fields is your second boy? A Yes sir.

NOTE:

Squirrel Fields and Wallace Fields are identified upon the final roll of citizens by blood of the Cherokee Nation opposite Roll Nos. 3367 and 3369. James Fields is also identified upon said roll opposite Roll No. 3368. All of said names appearing on Cherokee Indian Census Card No. 1222.

Q Have you any children who are not enrolled? A Yes sir.
Q Give me the names of the oldest child who is not enrolled?
A Lela Blair.
Q What is the name of the next child? A James Fields.
Q What is the name of the next child? A Wallace Fields.
Q How name the next child? A Charley.
Q Is he enrolled? A Yes sir.
Q What is the name of the next child? A Pearle Fields.
Q Is she enrolled? No sir.
Q Is this Pearle Fields here (Indicating the child)? A Yes
Q And you appear here today to make application for Pearle?

A Yes sir.
Q Have you ever made application before? A No sir, I did not.
Q Why did'nt you? A The Emigrant money is all she has.
Q Has she any land? A No sir.
Q Why did'nt you make application for Pearle, do you know? A No, I don't know.
Q Have you ever had an opportunity to make application for [illegible]
Q When was Pearle born? A All I knew in 1906.
Q What month? A March 2.
Q 1906? A Yes sir.

NOTE:

Pearle Fields is present and looks to be the age of 5 years old.

Q Pearle Fields is a girl? A Yes sir.

(Witness excused)

SQUIRREL FIELDS, being first duly sworn and examined, testified as follows through sworn interpreter, Nannie Fields:

BY MR. ELISS:

Q What is your name? A Squirrel Fields.
Q How old are you? A 65.
Q What is your postoffice? A Vian.
Q Are you the father of Pearle Fields? A Yes sir.
Q Is Nannie Fields the mother? A Yes sir.
Q Nannie is your wife is he? A Yes sir.
Q When was Pearle Fields born? A He can't talk in English, he says 1906, March 2.
Q This is Pearle Fields here? A Yes sir.

(Witness excused)

ANNIE BALDWIN, being first duly sworn and examined, testified as follows through sworn interpreter, Annie Fields:

BY MR. ELISS:

Q What is your name? A Annie.
Q Annie what? A Baldwin.
Q How old are you? A 54.
Q What is your postoffice address? A Blackgum.
Q What relation are you to Nannie Fields? A Mother.
Q Do you know this child here (Indicating Pearle Fields)
A Yes sir.
Q What is the child's name? A Pearle Fields.
Q Do you know when Pearle Fields was born? I knew it was born.

FIELDS------3.

Q Were you present when Pearle Fields was born? A Yes sir.

Lee G. Grubbs, being first duly sworn, states that the above and foregoing is a true and correct copy of his stenographic notes taken in said cause and on said date.

Lee G Grubbs

Subscribed and sworn to before me on this the 20th day of January, 1916.

R. F. HARRISON, CLERK,

BY A M Gilliam
DEPUTY.

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JUL 21 1913

Cher. J. 193

MEMORANDUM.

Pearle Fields, Eastern Cherokee roll No. 11177, not on E. C. T. roll, born March 2, 1906, still living, present at the hearing and appeared to be five years old and of the degree of blood claimed.

Father, Squirrel Fields, P. O. Vian, Okla. roll No. 3367, Cherokee full blood.

Mother, Nannie Fields, roll No. 29735, Cherokee full blood.

Lila Blair No. 29736 is a half sister to Pearle Fields, while James Fields No. 3368 and Wallace Fields No. 3369, full bloods, are brothers to Pearle Fields.

Witnesses- Jan. 17, 1911 father, mother and Annie Baldwin of Blackgum, Okla. who was present at birth of Pearle Fields.

No previous application. Why? "I don't know".

Recommended that further investigation be made as to actual date of birth which seems questionable.

April 3, 1911 Commissioner Five Civilized Tribes requested to report as to the date of birth of Wallace Fields, No. 3369.

April 14,1911, Commissioner Wright transmitted record in case of enrolment of Squirrel Fields.

Recommended that Pearle Fields be enrolled as a minor full blood Cherokee

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Land-
Allotment
Cher. F. 195
G R

APR -6 1911

Requests report.

The Commissioner

to the Five Civilized Tribes

FOR FILE.

Muskogee, Okla.

Sir:

For consideration of an application for the enrollment of Pearle Field, you are requested to forward a copy of the testimony taken in the matter of the enrollment of Wallace Field, Cherokee roll number 3369 - 1 - M - full, census card 1223.

The office will appreciate a prompt report.

Respectfully,

(Signed) C. F. Hauke,
Second Assistant Commissioner.

4-MBS-3

Refer in reply to the following:

Dept. 632-1911

Land-
Allotments
Cher. J 193
G R

Transmitting
testimony.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

OFFICE OF INDIAN AFFAIRS
RECEIVED
APR 18 1911
33992

Muskogee, Oklahoma, April 14, 1911.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

The Honorable

Commissioner of Indian Affairs.

Sir:

I have the honor to acknowledge receipt of letter of your Office of April 6, in which you request that a copy of the testimony in the matter of the application for the enrollment of Wallace Fields, Cherokee Roll No. 3369, be sent your office for consideration in connection with the application for enrollment of Pearle Fields.

In reply the copy of the testimony requested is respectfully inclosed herewith.

Respectfully,

Commissioner.

LS
LS-14-5

Cher 11059

Ross Johnson Fisher

Cher 11059

Department of the Interior.
Commission to the Five Civilized Tribes.

In Re Application for enrollment as a citizen of the Cherokee Nation of Ross Johnson Fisher, shown upon Eastern Cherokee Roll opposite #5017?, but not shown upon the Final Roll of the Five Civilized Tribes.

- - - - - - - - - - - - -

Maggie Youngbird Fisher, being first duly sworn, testified through R. Glory, Interpreter, as follows:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q State your name, age and post-office address? A Maggie Youngbird Fisher; about twentytwp years old, Mazie, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #12530)
Q You state that your name is Maggie Youngbird Fisher, and that you are an enrolled Cherokee citizen, enrolled opposite #12530. I note the name there is Maggie Rabbit. Please explain how you are enrolled upon the Final Rolls as Maggie Rabbit, whereas you state your name is Maggie Youngbird Fisher. A My father, who enrolled me, was known both by the name of Youngbird and Rabbit.
Q Which was the ri ht name, Youngbird or Rabbit?
A Rabbit was his right name.
Q Are you enrolled upon the Eastern Cherokee Roll as Nakie Youngbird? A Yes.
Q Please explain to me how it is that you were enrolled upon the Eastern Cherokee Roll as Nakie Youngbird, whereas your true name was Rabbit? A When I fixed up my application to be enrolled I enrolled as a Youngbird, and my Cherokee given name, Nakie.
Q Have you a child known as Ross Johnson Fisher? A Yes, here he is. (Indicating the child)
Q Who is the father of your son, Ross Johnson Fisher?
A Johnson Fisher.
Q Is he an enrolled Cherokee citizen? A Yes. (Cherokee Roll #12285)
Q Was Johnson Fisher, the father of this, your son, Ross Johnson Fisher, your husband.
A Yes, we lived together until our child was born, then we separated.
Q Has this, your son, Ross Johnson Fisher, ever been enrolled upon the Final Rolls of the Five Civilized Tribes? A No.
Q Have you ever made application for his enrollment to the Dawes Commission? A No.
Q Why not? A I was told that it would be impossible for me to have the child enrolled, and that was the reason I didn't go and see the Commission about it. I was told that he was too late to be enrolled.
Q When was this child, Ross Johnson Fisher, born, the year, month and day? A He will be six years old the 6th ~~of this month~~ next month.
Q Have you a record showing the date of the birth of your son, Ross Johnson Fisher? A No.

Q Is there any way through any instance whereby you can recall the date of the birth of your child, Ross Johnson Fisher so that the date can be more definitely fixed? A No.
Q Who was present when the child was born? A Che-yun-ei, but she is dead.
Q Who else knows of the birth of this child, who saw it about the day after -- as you can recall? A My mother was there too, Sallie Rabbit.
Q Who does your child, Ross Johnson Fisher, now live with? A Living with me.
Q Are you now married? A No; living with my mother.

- - - - - - - - - - -

Sallie Rabbit, being first duly sworn, testified through R. Glory, Interpreter, as follows:

Q State your name, age and post-office address? A Sallie Rabbit, about fifty years old; post-office Maxie, Okla.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #12589)
Q Are you the mother of Nakis Youngbird Rabbit Fisher? A Yes.
Q Has she a son named Ross Johnson Fisher? A Yes.
Q How old is he? A He will be six years old the 3rd day of February.
Q Have you a written record of the date of the birth of this child? A No; I just remember it. I am positive that he was born on the 3rd day of February, six years ago.
Q Who is the father of Ross Johnson Fisher? A Johnson Fisher.
Q Is he an enrolled Cherokee citizen? A Yes.
Q Where is that child now, Ross Johnson Fisher? A Living with its mother.

- - - - - - - - - - - - - - - - -

Note; Child was present, and had the appearance of being of the age and breed claimed.

- - - - -

W. H. Byrd, being first duly sworn, ~~[illegible]~~ states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W H Byrd

Subscribed and sworn to before me this 24" day of January, 1911.

Notary Public.

My commission expires
Dec. 27th. 1913

(COPY)

Office of Indian Affairs
Received Jul. 24 1913
90635

Cher. J 150

MEMORANDUM.

Ross Johnson Fisher, minor Cherokee by blood, Eastern Cherokee roll No. 30177, not on F. C. T. roll, born February 3, 1906, living March 4, 1906 and still living with his mother Maggie Youngbird Fisher.

Mother -- Maggie Youngbird Fisher enrolled as Maggie Rabbit, full blood Cherokee, Roll No. 12530, P. O. Maxie, Okla.

Father - Johnson Fisher, Cher. roll No. 12285, 1/2 blood Cher- separated from his wife - were not married, were only living together when child was born- no previous application to hearing on Jan. 7, 1911 because as mother testified "I was told it would be impossible for me to have him enrolled and that was the reason I didn't see the Commission about it. I was told that he was too young to be enrolled."

Witnesses mother and grandmother, Sallie Rabbit, of Maxie, Okla.

Recommended that Ross Johnson be enrolled as a minor Cherokee by blood, as Ross Johnson Fisher

(Cher J. 181)

OFFICE OF INDIAN AFFAIRS
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JUL 24 1913
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MEMORANDUM.

Cherokee Jacket No. 181.

Rose Johnson Fisher; P.O., Mazie, Okla.; on Eastern Cherokee Roll No. 30177; not on F. C. T. rolls; born Feb. 3, 1905; produced at the hearing and appeared to be of the age and blood claimed; living with the mother, who is separated from the father.

Father: Johnson Fisher, Cherokee Roll No. 12535; 1/8 blood.

Mother: Maggie Youngbird Fisher, enrolled as Maggie Rabbit, Cherokee Roll No. 12530; full-blood.

No previous application, because mother was told it was too late.

Recommended that Rose Johnson Fisher be enrolled.

(Copy)

Office of Indian Affairs
Received Jul 24, 1913
90635

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Ross Johnson Fisher born on the 3d day of February 1906
[Here insert name of child]
Name of Father: Johnson Fisher a citizen of the Cherokee Nation.
Name of Mother Maggie Youngbird Rabbit a citizen of the Cherokee Nation.
Tribal enrollment of father Cherokee Roll #12285 12285 Tribal enrollment of mother Cherokee Roll #12530
Postoffice Maize, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, } State of Oklahoma
Mayes County ~~District~~. }

I, Maggie Youngbird Rabbit on oath state that I am about 22 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of Johnson Fisher, who is a citizen, by Blood of the Cherokee Nation; that a male child was born to me on 3d day of February 1906; that said child has been named Ross Johnson Fisher and was living March 4, 1906, and is now alive and living with me. Maggie Youngbird her X Rabbit mark

WITNESSES TO MARK:
[Must be Two Witnesses] } Richard Glory Muskogee Okla.
W. H. Byrd, Tahlequah Okla.

Subscribed and sworn to before me this 7th day of January 1911.

Seal

R. P. Harrison - Clerk
By S. A. Mills - Deputy
~~Notary Public~~.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, } State of Oklahoma
Mayes County ~~District~~. }

I, Sallie Rabbit a midwife on oath state that I attended on Maggie Youngbird Rabbit, wife of Johnson Fisher on the 3d day of February 1906; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Ross Johnson Fisher and he is now alive and living with his mother Sallie her X Rabbit mark

WITNESSES TO MARK:
[Must be Two Witnesses] } Richard Glory - Muskogee Okla
W. H. Byrd, Tahlequah, Okla

Subscribed and sworn to before me this 7th day of January 1911

Seal

R. P. Harrison - Clerk
~~Notary Public~~.
By S. A. Mills - Deputy

Cher 11060
Thompson Flute

Cher 11060

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Hulbert, Oklahoma, November 16, 1910.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

In the matter of the application for the enrollment of Thompson and Johnson Flute as citizens of the Cherokee Nation.

Testimony taken before George Reed,
Clerk of the Commissioner of
Indian Affairs.

Rachel Christie being first duly sworn testified as follows, through United States Indian Policeman R. L. Taylor,, Interpreter:

Q What is your name, age and postoffice address?
A Rachel Cochran; about 40; Hulbert, Oklahoma.
Q Are you an enrolled Cherokee citizen?
A Yes (Cherokee roll No. 20179)
Q Have you twin children not enrolled? A Yes.
Q Give me the names and ages and dates when born?
A Thompson and Johnson Flute; seven years old past; born September 1, 1903.
Q Who is the father of these children? A Charley Glory.
Q Is Charley Glory an enrolled Cherokee citizen?
A I don't know (Cherokee roll No. 19864).
Q Has Charley Glory children named Rose and Joe? A Yes.
Q These twins, Thompson and Johnson go by the name of Flute?
A Yes.
Q How does that happen? A Their father, Charley Glory adandoned me and they were given to my brother-in-law and his wife my sister Nancy Flute and they are raising them.
Q Has anyone ever applied for the enrollment of these children?
A I never did, and my brother-in-law who is raising them is a Night Hawk and opposed to enrollment and he wouldn't do it. (Thompson Flute RolleNo. 29973)
Q Have you been enrolled?
A Yes, as a Cherokee full blood (Cherokee Roll No. 20179)
Q Have you a daughter, Mary, enrolled?
A Yes (Cherokee Roll No. 20180)
Q Do you know of anyone having heretofore made application for the enrollment of these children? A No, not that I know of.
Q Have you any bible or other book record of the date of the birth of these children? A No, my sister Nancy Flute was there and waited on me when they was born.
Q Then you can give no more positive date than that of your memory? A No, I know thatis right.

Witness excused.

Note: The children were present and appeared to be of the blood and age claimed.

Nancy Flute being first duly sworn testified as follows, through interpreter R. L. Taylor.

Q What is your name, age and postoffice? A Nancy Flute, about thirty-five; Hulbert, Oklahoma.
Q Are you an enrolled Cherokee citizen? A I don't know.
Q Did you ever apply for enrollment to the Dawes Commission as a Cherokee citizen for yourself? A No.
Q Are you a member of what is known as the Night Hawk organization? A Yes.
Q Are you and your husband opposed to taking allotments?
A Yes.
Q Who is your husband? A Tom Flute
Q Has he been enrolled as a Cherokee citizen? A I think he was enrolled by the enrolling party.
Q Were you living with Tom Flute when the enrolling party came around? A Yes.
Q Why wasn't you enrolled at the same time? A Don't know.
Q Have you ever applied? A No.
Q Why not? A Because I was opposed to it.
Q How old is your husband Tom Flute? A About 35.
Q Is he a full blood? A Yes (Cherokee roll No. 29973.)
Q Have you in your care two children named Thompson and Johnson Flute? A Yes.
Q Who is the mother of these children? A Rachel Christie.
Q Is she a full blood? A Yes
Q Is she enrolled? A Yes (Cherokee roll No. 20179)
Q Who is the father of Thompson and Johnson Flute?
A Charley Glory (Cherokee roll No. 19864)
Q When were Thompson and Johnson Flute born? A September 30; I don't remember the year; the children were seven years old September last past.
Q Are Thompson and Johnson Flute twin childrenM A Yes.
Q Did you make a bible or other book record of the dates of their births? A No.
Q Any doctor present? A No.
Q Were you present? A Yes.
Q Who else? A I don't remember.
Q Are these the twin boys, Thompson and Johnson Flute (indicating the children) A Yes.
Q Have you, or do you know of anyone making application for the enrollment of these two children Thompson and Johnson Flute? A No.
Q Why didn't you, havingthe children in charge? A Because we didn't want to; didn't believe in it.
Q Where are these children living now? A With me.
Q Why are these children living with you instead of with their mother? A Rachael gave them to me.
Q Since Rachael gave you these children have they taken the name of Flute? A Yes, after their father abandoned them and Rachael gave them to me, we gave them the name of Flute.

Witness excused.

I, S. A. Mill, hereby certify that the above and fore-

3-Flute.

going is a true and correct copy of my long hand notes taken in the above entitled enrollment case at Hulbert, Oklahoma, on November 16, 1910.

A. Miller

Subscribed and sworn to before me this 1 day of December, 1910.

R. P. Harrison

Clerk of the United States Court
for the Eastern District of Oklahoma.

By D. K. Byrum Deputy.

25.

OFFICE OF INDIAN AFFAIRS
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MEMORANDUM.

90635

Thompson Flute)
) Twins, born September 30, 1903, still living
Johnson Flute,)
produced at the hearing and appeared to be of the age and quantum of blood claimed.

Father, Charley Glorey, 3/4 blood Cherokee, Roll No. 19864.

Mother- Rachel Christie- full blood Cherokee, Roll No. 20179.

Witnesses, November 16, 1910, mother and Nancy Flute, her sister by whom the children were raised and whose name they took when "their father, Charley Glorey, abandoned me and they were given to my brother-in-law and his wife, my sister Nancy Flute and they are raising them."

As to prior application the mother said "I never did and my brother-in-law who is raising them is a Night Hawk and opposed to enrollment and he wouldn't do it".

Birth affidavit filed.

Both parents being enrolled [illegible] recommended that Thompson Flute and Johnson Flute be enrolled as minor Cherokees by blood.

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE ENROLLMENT, of Nancy Flute, as a Cherokee Citizen.

PROCEEDINGS had at Hulbert, Oklahoma, November 17, 1910, by Mr. George Reed, on behalf of the Commissioner.

Interpreted by R.L.Taylor, Indian Policeman, of Westville, Okla.

Examination by Mr. Reed:

Rachael Christie being first duly sworn testifies as follows:
Q What is your name? A Rachael Christie.
Q Is Mary Flute your sister? A Yes.
Q Is Nancy Flute a Nighthawk? A Yes.
Q Is Nancy Flute's husband a Nighthawk also? A Yes.
Q What is his name? A Tom Flute.
Q Do they believe in the enrollment and allottment of lands? A No.
Q Do you know of your own knowledge if Nancy was ever enrolled, or made application to be enrolled as Cherokee Citizen? A No.
Q Did Nancy ever tellyou she was enrolled and received anyland? A vNo.
Q Is Nancy Flute living on any land selected by her? A No.

Nancy Flute recalled, first being duly sworn, testifies as follows:
Q You are the same Nancy Flute who testified in the application for enrollment of Thompson and Johnson Flute, two children of Rachael Christie, as Cherokee Citizens? A Yes.
Q Nancy, does your name appear upon any of the Tribal Rolls? A I think so.
Q What District do you live in? A Flint District.
Q What is your father's and mother's name? A Father's name is Henry Christie, and mother's name is Bettie Christie.
Q Did you receive Eastern Cherokee money? A Yes. (See E.C.R.#11460)

W. E. Folts, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Folts

Subscribed and sworn to before me on this 11th day of January, 1911.

R. P. Harrison, Clerk.

By Elmer C. Keel
Deputy.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Thompson Tuto
Johnson Tuto } Twins
Minor children of

Adaptee ..... Nation.

Approved..... 190...

.....
Commissioner.

Howell Enr.

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OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913

BIRTH AFFIDAVIT. 199

90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE: APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Thompson Flute & Johnson Flute [Here insert name(s) of child] born on the 30th day of September 1903

Name of Father Charley Flory a citizen of the Cherokee Nation No. 19864

Name of Mother Rachel Christie a citizen of the Cherokee Nation No. 20179

Tribal enrollment of father Cher. 66 19864 Tribal enrollment of mother Cher. full bl. #20179

Postoffice Hulbert, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma
Cherokee County, District.

I, Rachel Christie, a full blood Cherokee, on oath state that I am 40
years of age and a citizen by blood, of the Cherokee Nation No. 20179
that ~~I am the lawful wife of~~ ~~, who is a citizen, by~~
~~, of the~~ Nation; that two male children were
[Male or Female]
born to me on 30th day of September 1903; that said child has been named
Thompson Flute & Johnson Flute and was living March 4, 1906, and are still
living, being now and are present with me to-day.

Rachel her X mark Christie

WITNESSES TO MARK:

[Must be Two Witnesses] George Reed #1488 Newton St. Washington D.C.
R. L. Taylor Westville Okla.

Subscribed and sworn to before me this 17th day of November 1906.

R. P. Harman - Clerk
By A. Willis, Deputy
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma
Cherokee County, District. and sister to Rachel Christie

I, Nancy Flute, a full blood Cherokee, a midwife, on oath state that I
attended on Rachel Christie, ~~wife of~~
on the 30th day of September 1903; that there was born to her on said date a twin
[Male or Female]
child; that said child ~~was~~ were living March 4, 1906, and is are said to have been named Thompson Flute and
Johnson Flute

her Nancy X Flute
mark

WITNESSES TO MARK:

[Must be Two Witnesses] George Reed #1488 Newton St. Washington D.C.
R. L. Taylor Westville Okla.

Subscribed and sworn to before me this 17th day of November 1906.

R. P. Harman - Clerk
By A. Willis, Deputy
Notary Public.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635.

Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as Cherokee citizens of Thompson and Johnson Flute, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-66

Cher 11061
Stan Field Girty

Cher 11061

11061

11061

[illegible] Child Entry

[illegible] 1914

[illegible] duplicate of

[illegible] Minor 3314-C-2357

Duplicate of new-born Cherokee No. 3314; not entitled to land or money under this enrollment. D-1217, Mar. 24, 1942.
April 3, 1942. JDF

11061

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a Cherokee citizen, of Stan Girty, who appears upon the Eastern Cherokee Roll opposite No.12205, and is shown to be not upon the Final Rolls of the Five Civilized Tribes.

Proceedings had near Gore, Oklahoma, December 30, 1910, by Mr. S. A. Mills, on behalf of the Commissioner.

Interpreted by Jack Spaniard, of Gore, Okla., who was first duly sworn.

Examination by Mr. Mills:

Jennie Strong nee Girty being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Jennie Strong, nee Girty; Blackgum P.O., Okla. age about 30 years old.

Q Did you formerly live at or near Webbers Falls, Okla. A Yes sir, I moved here from Gore about two weeks ago.

Q Are you a Cherokee Citizen? A Yes; a full blood.

Q Are you enrolled as a Cherokee citizen upon the Final Rolls of the Five Civilized Tribes? A Yes sir. (Here witness submits deeds from the Cherokee Nation to Jennie Girty, No.12335, showing Cherokee Citizens roll No.30111.)

Q Have you a son named Stan? A Yessir.

Q Is he enrolled upon the Final Rolls of the Five Civilized Tribes? A I suppose he is; I went with my father to Muskogee to the Dawes commission about three years ago and we made application for his enrollment, selected some land for him and they gave us these papers. (Here witness submits two plats, form 160, which shows the W 1/2 of S.E. 1/4 of N.E. 1/4, and the E. 1/2 of S.W. 1/4 of N.E. 1/4 of Sec. 3, T. 11 N., R. 20 E. and the E. 1/2 of E. 1/2 of the N.E. 1/4 of Sec. 35, T. 12 N., R. 20 E.)

Q Have you ever received any forther papers from the Dawes Commission notifying you of the enrollment of your son Stan? A No sir.

Q Are you and your son Stan enrolled upon the Eastern Cherokee Roll and did you participate in the distribution of the Eastern Cherokee Fund? A Yes. (See E.C.R. #12207 and 12208)

Q How old is your son Stan? A Nine years old, going on 10.

Q What year, what month and day was he born? A I don't know what year; it was in the month of May and he will be 10 years old next May.

Q Have you any written record of the date of his birth? A No sir.

Q Who was present at the time of his birth? A Old Lady prum, and she waited on me, but she is dead; and Betsy Fields who is now Betsy Salsby, of Gore.

Q Who is the father of your son Stan? A Robert Fields.

Q Is he an enrolled Cherokee? A Yes sir. (See F.C.R. #5931)

Q Was you the legal wife of Robert Fields at that time? A No sir.

Q Is your son Stan Girty now alive? A Yes, (indicating the child) and living with me.

The child is present and appears to be of the blood claimed and to be about eight years old.

W. B. Wells, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W B Wells

Subscribed and sworn to before me on this 10th day of January, 1911.

R. P. Harrison, Clerk.

By Edward Merrick,
Deputy.

(COPY)

2

Office of Indian Affairs
Received Jul 24 1913
90635

M E M O R A N D U M.

Cher. J., 104.

Stan Girty, P. O., Blackgum, Okla., on Eastern Cherokee roll No. 12208, not on E. C. T. rolls, born May, 1901, produced at the hearing and appeared to be of the age and blood claimed -- an illegitimate.

Father -- Robert B. Fields, Cher. roll No. 5931, 3/4 degree blood.

Mother -- Jennie Strong, enrolled as Jennie Gettie, full blood Cher. roll No. 30111.

Mother claims to have made an application to the Dawes Commission but heard nothing from it. Recommend further investigation.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT. 1901

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Stan Field [Here insert name of child] born on the ... day of May 1901

Name of Father: Robert B. Field a citizen of the Cherokee Nation.

Name of Mother: Jennie Girty Strong a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll #3931 Tribal enrollment of mother Cherokee Roll #30111

Postoffice Blackgum, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory.~~ State of Oklahoma }
Sequoyah County ~~District.~~ }

I, Jennie Girty Strong, on oath state that I am about 30 years of age and a citizen by Blood, of the Cherokee Nation;

that I am the lawful wife of ..., who is a citizen, by ..., of the ... Nation; that a male [Male or Female] child was

born to me on ... day of May 1901; that said child has been named Stan Field and was living March 4, 1906, and is now alive and living with me

her
Jennie Girty X Strong
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { N. E. Foltz, Muskogee, Okla.
S. A. Mills, Deputy }

Subscribed and sworn to before me this 30th day of December 1910

Seal.

P. J. Harrison - Clerk
By S. A. Mills - Deputy ~~Notary Public.~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, } Old lady from midwife, now dead
District. } Mrs. Betsy Gallagher, saw child soon after birth & lives in town.

I, ..., a ..., on oath state that I attended on ..., wife of ...

on the ... day of ..., 1..., that there was born to her on said date a ... [Male or Female]

child; that said child was living March 4, 1906, and is said to have been named ...

...

WITNESSES TO MARK:

[Must be Two Witnesses] { ...
... }

Subscribed and sworn to before me this ... day of ... 1906.

... ~~Notary Public.~~

INDIAN DREAM OF $1000 LASTS FOR BUT FEW DAYS

Stan Field Girty, Cherokee Indian who lives at Lawrence, Kan., has experienced the joys of dreams of a small fortune and the sorrow of disillusion, all in a few days.

Several days ago Girty was informed by relatives, Indian officials say, that $1100 awaited him in the Indian agency land and money division. Girty immediately came here to claim the sum.

Investigation yesterday showed that he had [illegible] placed to his credit in 1914, when his name was entered on enrollment lists, $1100 in lieu of a tract of land. Girty never knew of this until told by relatives.

Things looked bright until further investigation revealed that under the name of Stan Gray Girty, he had been entered upon enrollment lists in 1907 and had received a tract of land. Girty aided officials by supplying additional information as to the allotment and revealing that he was sometimes known as Stan Gray.

The money was taken from Girty's credit and turned to the Cherokee tribe.

Girty's Oklahoma home is near Muskogee.

SUPT. FIVE CIV. TRIBES
RECEIVED
MAR 2 7 1942
1217

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

MAR 24 1942

Mr. A. M. Landman,

Supt. Five Civilized Tribes Agency.

My dear Mr. Landman:

This will refer to your letter of December 16, 1941, with which you enclosed a photostat copy of your letter of August 17, 1933, together with photostat copies of its enclosures concerning the enrollment of one Stan Gray Gertie and one Stan Field Girty. The matter was first brought to the attention of the Commissioner of Indian Affairs in 1933 by a request of Stan Gray Gertie for funds, which he claimed to be due him, on deposit in your office. Your letter of August 17, 1933, was misplaced in some manner for which reason no action was taken thereon.

Pursuant to certain Acts of Congress, membership rolls of the citizens of the Five Civilized Tribes were compiled. These rolls were closed and made final on March 4, 1907, by the Act of April 26, 1906 (34 Stat. 137). At the time these rolls were compiled one Jennie Gertie was enrolled as Cherokee No. 30111 and, as shown by Cherokee Census Card No. 2282, was identified as the daughter of Stud Gertie and Betsy Gertie, Cherokee Indians who died before enrollment. This individual is positively identified as the mother of one Stan Gray Gertie who was enrolled at that time as New Born Cherokee No. 3314, 1/2 degree Indian blood. The birth date of Stan Gray Gertie is shown as May 8, 1905. New Born Cherokee Census Card No. 2857 shows that he is the illegitimate child of the above-mentioned Jennie Gertie.

The Act of August 1, 1914 (38 Stat. 582, 600), authorized the Secretary of the Interior to enroll on the proper respective rolls of the Five Civilized Tribes certain persons enumerated in Senate Document No. 478, 63d Congress, 2d Session, who apparently were equitably entitled to enrollment but whose names did not appear on the final rolls of the Five Civilized Tribes. Included among those names was that of one Stan Field Girty enrolled as Cherokee No. 32969, who is shown by Cherokee Census Card No. 11061 as 7/8 degree Indian blood, the illegitimate son of Jennie Gertie, Cherokee No. 30111. His birth date is shown as the month of May, 1901.

Note 2, 4/3/42 IDF

Stan Gray Gertie, enrolled as New Born Cherokee No. 3314 on the final roll of the Cherokee Nation, was allotted at the time of his enrollment, 80 acres of land as a homestead and also 70 acres of surplus land. Subsequently, the Act of May 27, 1908 (35 Stat. 312), provided for the removal of restrictions against alienation of lands allotted to certain classes of citizens of the Five Civilized Tribes, including minors, as follows: Freedmen, intermarried whites, and all others of less than 1/2 degree of Indian blood, all restrictions removed; those having 1/2 degree and less than 3/4 degree of Indian blood, restrictions were removed from all lands except homestead allotments. Stan Gray Gertie, having been enrolled as 1/2 degree, accordingly had restrictions against alienation removed from his surplus land on July 27, 1908. It is reported that his surplus lands were sold to the Board of County Commissioners of Muskogee County because of delinquent taxes and have been resold and conveyed. Presumably, his homestead allotment is still held in trust for him.

When Stan Field Girty was enrolled by authority of the Act of August 1, 1914, supra, he was given, by provision of the Act, in lieu of allotment of land, a sum equal to twice the appraised value of an allotment. Accordingly, the sum of $852.54 was set aside from tribal funds which, with interest, amounted to $1,125.42 in 1933, and to $1,422.47 on November 3, 1941. This is the money for which Stan Gray Gertie applied in 1933. At that time he called at your office in connection with this matter and during your discussion and investigation the enrollments of Stan Gray Gertie and Stan Field Girty were discovered. Mr. Gertie stated that he was enrolled as New Born Cherokee No. 3314, and also enrolled as Stan Field Girty, Cherokee No. 32969. He further stated, and executed an affidavit to that effect, that he was born on May 1, 1905, and had always been known by either of the foregoing names. His affidavit further stated that his mother had been Jennie Fields but had married his father, one Gertie, first name unknown, and later had married one D. C. Strong.

From the information contained on the photostat copies of the census cards submitted by you, it appears that the information concerning his mother in Mr. Gertie's affidavit is incorrect. The information on the census cards, however, together with information in your letters, definitely establishes the fact that Stan Gray Gertie and Stan Field Girty are one and same person. His enrollment, therefore, pursuant to authority contained in the Act of August 1, 1914, supra, was in error, and he was not entitled to such enrollment nor the funds set aside for him. He has requested

that he be permitted to draw out the funds placed to his credit under the second enrollment and that he be allowed to reconvey to the Cherokee Nation the land allotted to him at the time of his first enrollment. This obviously would be inequitable since Mr. Gertie no longer owns the greater portion of the land allotted to him, and in addition, is not entitled to the second enrollment or the funds set aside thereby. You recommend that the enrollment of Stan Field Girty as Cherokee No. 32969 be cancelled and the amount of funds set aside be deposited to the credit of the Cherokee Nation.

It has become well settled through numerous court decisions that the Secretary of the Interior lacks power to cancel or remove names of individuals from the final approved rolls of the Five Civilized Tribes. Where a double enrollment has occurred and rights under the second enrollment have become vested, such as patents for lands actually issued and money actually paid, it is necessary to seek rectification through the courts, Tiger v. Twin State Oil Company (48 Fed. 2d, 509). Where rights under the second enrollment have not become vested, however, the Secretary may refuse to perpetuate the error by directing that the funds which have not been paid be redeposited to the credit of the proper tribal entity.

Since this matter is clearly a case of double enrollment and no rights have vested under the second enrollment, you are authorized to enter upon the final approved roll of the Cherokee Nation opposite No. 32969, and on the proper census card, the notation "Duplicate of new-born Cherokee No. 3514; not entitled to land or money under this enrollment." You are also authorized to redeposit the funds in question to the credit of the Cherokee Nation. Mr. Gertie should be advised of this action.

Sincerely yours,

Wm. Zimmerman

Acting Assistant Secretary

Noted on approved Roll. Census Card Ruthy Filed in En. Jacket. 4-3-42 JDF

INDIAN LAND & MONEY
JDP:DSG 4-4-42
Re: Duplicate Enrollment of
Stan Gray Gertie, Cherokee
NB 3314 and Stan Field Gertie,
Cherokee 12969. Land Division
Claims 66/66-41

April 4, 1942

Mr. Stan Gray Gertie
c/o Ben McCurtain
Shiprock, New Mexico

Dear Sir:

With reference to previous correspondence in the above entitled matter;

We have again taken this matter up with the Honorable Commissioner of Indian Affairs, and have received the following authorization from Hon. W. G. Mendenhall, Acting Assistant Secretary of the Interior, under date of March 24, 1942:

> "Since this matter is clearly a case of double enrollment and no rights have been vested under the second enrollment, you are authorized to enter upon the final approved roll of the Cherokee Nation opposite No. 12969, and on the proper census card, the notation 'Duplicate of new-born Cherokee No. 3314; not entitled to land or money under this enrollment.' You are also authorized to pedspect the funds in question to the credit of the Cherokee Nation. Mr. Gertie should be advised of this action."

As directed, we have made the above notation on the final approved roll opposite No. 12969 and upon Cherokee census card No. 11681. You are therefore not entitled to any benefits from this duplicate enrollment.

Respectfully,

Assistant to Superintendent

cc Mr. Ben McCurtain
Shiprock, N. Mex.

INDIAN LAND & MINES
Jurvis Building
Re: Duplicate Enrollment of
Mose Perry Curtis, Cherokee
By 3314 and Mose Field Curtis,
Cherokee 3268. Land Division
Claims 66762-63

April 4, 1942

The Honorable
The Commissioner of Indian Affairs

Dear Mr. Commissioner:

This acknowledges your letter of March 5th, 1942, above subject, authorizing this office to enter upon the final approved roll of the Cherokee Nation opposite No. 3268, and on the proper census card, the notation (Duplicate of new-born Cherokee No. 3314) not entitled to land or money under this enrollment, and to re-deposit the funds in question to the credit of the Cherokee Nation.

This notation has been made upon the approved roll opposite No. 3268 and upon Cherokee census card No. 11861, and we are today notifying Mr. Curtis of this action.

Respectfully,

Superintendent.

Cher 11062
Charles Gritts

Cher 11062

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913

90635

DEPARTMENT OF THE INTERIOR
Commission to the Five Civilized Tribes
Muskogee, Oklahoma, November 25, 1910.

In re application for enrollment as a citizen of the Cherokee Nation of Charles Gritts by his father Thomas Gritts.

By George Reed, Clerk Indian Office

Tahlequah, November 9, 1910.

Thomas Gritts, being first duly sworn, testified as follows:

Q. What is your name
A/ Thomas Gritts
Q. What is your age
A. 50 years old
Q. What is your post office address
A. Tahlequah, Oklahoma
Q. Are you an enrolled citizen of the Cherokee Nation
A. Yes (See No. 25354)
Q. Have you a child that has not been enrolled as a Cherokee citizen
A. Yes
Q. What is that child's name
A. Charles Gritts
Q. How old is Charles Gritts
A. He is just 6 years past
Q. When was he born
A. On the 4th day of November 1905
Q. Where is this Charles Gritts now
A. He is dead
Q. When did he die
A. He died on August 21 1906, he died with whooping cough
Q. Have you a record of the date of the birth and the date of the death of your son Charles Gritts
A. No but Dr. Dement up in town here he attended him when he died
Q. Have you a record of the date of the birth of your son Charles Gritts
A. No but Dr. Dement he waited on my wife, he knows
Q. Have you ever heretofore made application for the enrollment of this deceased son Charles Gritts
A. No
Q. Why didn't you ~~not~~ make application right after March 4, 1906
A. I didn't know anything at all about it, I thought he was born too late, then after he died I never thought any more about it.

Witness excused.

Agnes Gritts, (See roll No.25355), being first duly sworn testified as follows;

Q. What is your name
A. Agnes J. Gritts
Q. Are you the wife of Thomas Gritts a citizen of the Cherokee Nation
A. Yes

Q. Did you have a son Charles Gritts by Thomas Gritts, the applicant in this case
A. Yes
Q. Is Charles Gritts dead or alive
A. He is dead
Q. When was Charles Gritts born
A. I don't remember the exact date Dr. Dement would know he waited on me when the child was born
Q. What date did your son Charles die
A. He died in August 1906 on the 21st day
Q. Do you know if any application has heretofore been made for the enrollment of this deceased son Charles Gritts as a Cherokee citizen
A. No not that I know of

Witness dismissed

John L. Dement being first duly sworn testified as follows:

Q. What is your name
A. John L. Dement
Q. Are you a practicing Physician
A. I am
Q. Did you wait upon one Agnes J. Gritts on the 4th day of November 1905 at the birth of a child
A. Yes
Q. What was said child male or female
A. A male child and they named him Charles Gritts, he didn't live long
Q. When did he die
A. In August, August 21 I think
Q. Have you a record of the date of the birth and the date of the death of this Charles Gritts
A. Yes somewhere amongst my books but I don't know where I could find it, it is so long ago
Q. Doctor can you give us any more definite information as to the dates of death and birth of Charles Gritts other than you have here testified to
A. No not unless I could find my books with it in and I wouldn't know where to look for them now they have been moved around so much
Q. Are you positive enough of those dates to make an affidavit to that effect
A. yes I remember the case very well

(See affidavit attached to application)

Case closed.

I hereby certify that the above is a true and correct copy of my long hand notes taken in the said case on the 9th day of November 1910.

A. Allen

Subscribed and sworn to before me this 12th day of December 1910.

Harry Montague
Notary Public

My Commission expires 9/13/1911

46. MEMORANDUM.

OFFICE OF INDIAN AFFAIRS
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JUL 21 1913
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Charles Gritts, deceased, - minor Cherokee by blood, born Nov. 4, 1905, and died Aug. 21, 1906

Father - Thomas Gritts, P. O. Tahlequah, Okla., Cherokee by blood, Roll No. 25354.

Mother - Agnes J. Gritts, P. O., Tahlequah, Okla., Cherokee by blood, Roll No. 25355.

Witnesses - Nov. 9, 1910 - father and mother and John L. Dement, M. D., of Tahlequah, Okla., the attending physician at birth and death of the child, Charles Gritts, who was living March 4, 1906, but died thereafter on August 21, 1906.

No prior application made because "I didn't know anything at all about it, I thought he was born too late, then after he died I never thought any more about it".

Birth affidavit filed.

Recommended that Charles Gritts, deceased, be enrolled as a minor Cherokee citizen by blood.

New Card

BIRTH AFFIDAVIT. 199

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Charles Gritts (Here insert name of child) born on the 4 day of November 1905

Name of Father: Thomas Gritts a citizen of the Cherokee Nation No 25354

Name of Mother: Agnes J. Gritts a citizen of the Cherokee Nation No 25355

Tribal enrollment of father Cherokee by blood Tribal enrollment of mother Cherokee by blood

Postoffice Tahlequah, Oklahoma.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Cherokee County District.

I, Agnes J. Gritts, on oath state that I am 44 years of age and a citizen by blood, of the Cherokee Nation; that I am the lawful wife of Thomas Gritts, who is a citizen, by blood, of the Cherokee Nation No 25354; that a male (Male or Female) child was born to me on 4 day of November 1905; that said child has been named Charles Gritts and was living March 4, 1906, but died on August 21, 1906 at Tahlequah Okla.

Agnes J. Gritts.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 9th day of November 1906

R. P. Harrison, Clerk
By A. Mills, Deputy

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Cherokee County District.

I, John L. Dement a physician on oath state that I attended on Charles Gritts child of Thomas Gritts on the 21st day of August 1906; that ~~there was born to him on said day a child~~ said Charles Gritts died (Male or Female) ~~child; that said child was living March 4, 1906, and is said or ~~has been named~~~~ on August 21, 1906, of the whooping cough at Tahlequah, Okla.

John L. Dement M. D.
Tahlequah Okl.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 9th day of November 1906

R. P. Harrison, Clerk
By A. Mills, Deputy

AFFIDAVIT OF ~~MOTHER~~ Father ~~OR MOTHER~~ OR MIDWIFE.

UNITED STATES OF AMERICA, Indian Territory, } ss. State of Oklahoma
Cherokee County

I, Thomas Gritts, Cherokee citizen, on oath state that I attended on Agnes L. Gritts, wife of Thomas Gritts on the 4th day of November 1905; that there was born to her on said date a male child, that said child was living March 4, 1906, and ~~is said to have been~~ was named Charles Gritts, who died on August 21, 1906, that he was the only person beside the mother in his

WITNESSES TO MARK: attendance on the birth of the child, Thomas Gritts was present and saw Thomas X Gritts mark
Horace Reed 1848 Newton St NW Washington DC
J. Willis Musgrove Okla

Subscribed and sworn to before me this 9th day of November 1906

R. P. Harrison, clerk
By J. Willis deputy

OFFICE OF INDIAN AFFAIRS
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JUL 24 1913
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Muskogee, Oklahoma, December 14, 1910.

Mr. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment of Charles Gritts as a Cherokee citizen, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-110

Cher 11063
Nannie Guess

Cher 11063

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, Oklahoma.
December 10, 1910.

In Re Application for Enrollment as a citizen of the Cherokee Nation of Nannie Guess, shown upon the Eastern Cherokee Roll opposite #12775, but not shown upon the Final Roll of the Five Civilized Tribes.

Watie Guess, being first duly sworn, testified as follows:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q State your name, age and post-office address? A Watie Guess; about thirty-eight years old; post-office, Welling, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #18495).
Q Are you married? A Yes.
Q What is your wife's name? A Addie Guess, nee Rat.
Q Is she an enrolled Cherokee citizen? A Yes. (Cherokee Roll #17974).
Q Have you any children who are not enrolled? A Yes, three.
Q What are their names? A Nannie, George and Rufus.
Q When were they born? A Nannie May 10, 1905, George October 1, 1906, and Rufus February 8, 1908.
Q Have you any record of the date of the birth of these children? A Yes. (Here witness submits family record, in which it was shown that Nannie was born on May 10, 1905, George on October 1, 1906, and Rufus on February 8, 1908, as testified to)
Q Is this a true family record of the dates of the birth of your family,- your children? A Yes.
Q Who made this record? A My wife, Addie Guess.
Q Who was present at the birth of Nannie? A I, myself, because we were to far away to get any help when we needed it.
Q Have you ever made application heretofore for the enrollment of these children? A No.
Q Why not? A I thought that it was too late.
Q Was you ever known by any other name than Guess? A Yes; sometimes I am called Coon, but I am enrolled as Watie Guess, and that is my right name.

Addie Guess, being first duly sworn, testified as follows:

Q State your name, age and post-office address? A Addie Guess; about thirty years old; post-office, Welling, Okla.

Q Are you an enrolled Cherokee citizen? A Yes; enrolled as Addie Rat. (Cherokee Roll #17974).
Q Are you the wife of Watie Guess? A Yes.
Q Are you the mother of Nannie Guess? A Yes.
Q Has your child, Nannie Guess, been enrolled? A No; only on the Eastern Cherokee Roll, made by Mr. Miller. (Eastern Cherokee Roll #12775).
Q Is Nannie now living? A Yes, with me.
Q How old is your daughter Nannie? A She was born May 10, 1905.
Q Have you any written record of the birth of your child, Nannie? A Yes. (Here witness submits same record as introduced by Watie Guess, her husband).
Q Who made this record? A I did.
Q Then, this record as appears in this book here showing the date of the birth of Nannie as being on May 10, 1905 is a true and correct record? A Yes.
Q Who waited on you at the time of Nannie's birth? A My husband. We were so far away that we didn't have time to get a mid-wife.

Note: Child was personally seen, and it had the appearance of being fully of the age and blood claimed.

W. M. Byrd, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

W M Byrd

Subscribed and sworn to before me on this the 21st day of December, 1914.

R. P. HARRISON Clerk
By R P Harrison
Deputy

Cher. J. 131.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

MEMORANDUM.

Nannie Guess, Welling, Okla., born May 10, 1905.

George Guess " " " Oct. 1, 1906.

Rufus Guess " " " February 8, 1908.

Father - Watie Guess, Cher. roll No. 18495 - full blood.

Mother - Addie Guess, nee Ratt, Cher. roll No. 17974, full blood.

No previous application for Nannie Guess because they thought it was too late.

Witnesses - Watie Guess, the father; and Addie Guess, nee Ratt.

Dec 10, 1913

Nannie Guess produced at the hearing and appeared to be of the age and blood claimed.

Recommended that Nannie Guess be enrolled as a minor full-blood Cherokee.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Nannie Queen born on the 10th day of May 1905.
[Here insert name of child]

Name of Father: Watie Queen a citizen of the Cherokee Nation.

Name of Mother Addie Queen a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee, Roll No 18495 Tribal enrollment of mother Cherokee, Roll No 19974

Postoffice Welling, Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Cherokee County ~~District~~.

I, Addie Queen, on oath state that I am 30 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of Watie Queen, who is a citizen, by Blood, of the Cherokee Nation; that a Female child was born to me on 10th day of May 1905.; that said child has been named Nannie Queen and was living March 4, 1906. and is now living with me.
[Male or Female]

Addie Queen.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 10th day of December 1913

R. P. Harrison Clerk
By L. Allice Deputy ~~Notary Public~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Cherokee County ~~District~~.

I, Watie Queen, a ..., on oath state that I attended on Addie Queen, my wife ~~the~~ on the 10th day of May 1905; that there was born to her on said date a Female child; that said child was living March 4, 1906, and is said to have been named Nannie Queen, and is now living with its mother
[Male or Female]

Watie Queen

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 10th day of December 1913

R. P. Harrison Clerk
By L. Allice Deputy ~~Notary Public~~

Cher 11064
Samuel Hair

Cher 11064

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a Cherokee Citizen, of Samuel Hair, who appears upon the Eastern Cherokee Roll opposite No. 12940, and is shown to be not upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had at Muskogee, Oklahoma, January 14, 1911, before Mr. S. A. Mills, on behalf of the Commissioner.

Examination by Mr. Mills:

Maud Treasurer being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Maud Treasurer; age 41 years old; P.O., Hadley, Okla.

Q Are you an enrolled Cherokee Citizen? A Yes sir. (See Final Cherokee Roll No.26003.)

Q I note that you stated that your name is Maud Treasurer whereas the Final Rolls opposite No.26003 shows your name to be Maud Hair; is this Maud Hair so enrolled and yourself one and the same person? A Yes sir; my first husband's name was Daniel Hair, (F.C.R.#21401) he died and then I married Cornelius Treasurer.

Q Have you a child known as Samuel Hair? is he now alive? A Yes; here he is. (indicating the child.)

Q Has he been enrolled upon the Final Rolls of the Five Civilized Tribes? A No sir. But he was enrolled upon the Eastern Cherokee Rolls. (See E.C.R.#12940)

Q Doyou know of any one ever making application for your child samuel for enrollment upon the Final Rolls of the Five Civilized Tribes? A When they were taking the Census for the Eastern Cherokee Payment we applied for him; that was the only time.

Q Then there has never been any application made that you know of for his enrollment upon the final rolls of the Five Civilized Tribes as a Cherokee Citizen? A No sir.

Q When was your child Samuel born? A Feb. 2; he will be 8 years old the 2nd day of this next February--next month.

Q Have you any written record of the date of the birth of this child Samuel? A Yes sir; I wrote it down in a book right after he was born.

Q Please let me see that record? A It is at home, I did not bring it.

Q Will you please send me xxxxxx the record that you refer to so that I may make a copy of the same? A Yes sir.

Q Who was present when Samuel was born? A Rachel Fisher, my sister.

Q Who is your son Samuel now living with? A Living with me.

Q Have you any other children who are not upon the final rolls? A No; this is the only one; the others are on the Final Rolls and have their land.

Q What are the names of your other children? A The eldest one is Watson Hair, next is Sarah Hair. (See F.C.R.#26004 and 30706)

Q Why have you not heretofore made application to have your child Samuel enrolled upon the Final Rolls of the Five Civilized Tribes? A Because I depended upon his father, Daniel Hair, to do it; he

was the one to do it; he always said he would attend to it but he died before he did it and I did not know what todo about it until you was over near Hadley the other day enrolling other children when I was away and you left word for me to come here with the child and such evidence as I had for the purpose of making application for his enrollment.

Q You stated your first husband's name was Daniel Hair; is he the father of this your child Samuel Hair? A Yes sir.

Q You stated that he was dead? A Yes sir.

The child is present and appears to be of the age and blood claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 21st day of January, 1911.

Edward H Grider
Notary Public.

My commission expires 3/5/11

In re application for enrollment of Samuel Hair.

Proceedings had at Muskogee, Okla., January 21, 1911, before Mr. S. A. Mills.

Examination by Mr. Mills:

Maud Treasurer being first duly sworn testifies as follows:

Q You are the Maud Treasurer who appeared before me on January 14, 1911 in the matter of the application for the enrollment of your son Samuel Hair? A Yes sir.

Q At that time you gave testimony relative to the date of the birth of your son Samuel? A Yes sir.

Q At that time you stated that you had a written record of the date of the birth of your son Samuel and you promised to produce that record? A Yes sir.

Here witness submits Family Bible showing the following:
"Samuel Hair, born February 2, 1903."

Q Who made this record? A Johnson Fisher.

Q Is he a Cherokee Citizen? A Yes sir.

Q Then this is a true record? A Yes sir.

Rachel Fisher being first duly sworn testifies as follows:

Q State your name, age and Post office address? A Rachel Fisher, about 27 years old, P.O., Wagoner, Okla.

Are you well acquainted with Maud Treasurer? A Yes sir.

Q Did you know Daniel Hair? A Yes sir.

Q Was Daniel Hair and Maud Treasurer Husband and wife at one time? A Yes sir.

Q Did they have a child born to them named Samuel Hair? A Yes sir. I waited on her.

Q Where is Samuel Hair now? is he alive? A Alive and living with his mother.

Q When was Samuel Hair born? A 7 or 8 years ago.

Q Do you know the year, month and day that he was born? A Feb. 1903.

Q Have you a record of that event? A No sir, but the mother has a Family Bible record.

Q Is this (indicating the Bible) the record showing the date of the birth of Samuel Hair? A Yes sir.

Q Is this a true record showing the time when Samuel Hair, the son of Daniel and Mary Hair, now Maud Treasurer, was born? A Yes.

Q Are you an enrolled Cherokee Citizen? A Yes; as Rachel Rabbit. (F.C.R.#20736)

Q Where is Daniel Hair now? A He is dead.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W. E. Foltz

Subscribed and swern to before me on this 31st day of January, 1911.

Edward Merrick
Notary Public.

(COPY)

Cher. J. 145

MEMORANDUM.

Samuel Hair, born Feb. 2, 1903 living on March 4, 1906, still living with his mother. January 14, 1911

The name of Samuel Hair appears upon Eastern Cherokee Roll No. 12940 but not upon E. C. T. roll.

Father - Daniel Hair, now deceased, Roll No. ~~21991~~ 21401 full blood Cherokee.

Mother - Maud Treasurer, (P. O. Hadley, Okla.) formerly Maude Hair and enrolled as Maude Hair, Roll No. 26003, full blood Cherokee.

Watson Hair, Roll No. 26004, 6 years old, full blood Cherokee and Sarah Hair Roll No. 30705, full blood Cherokee are respectively brother and sister to Samuel Hair- 8 years old.

No previous application to hearing had on January 14, 1911 because the mother depended upon the father Daniel Hair to have the child enrolled but the father died before giving the matter his attention.

Child produced at the hearing and appeared to be of the age and blood claimed.

Recommended that Samuel Hair be enrolled as a minor full blood Cherokee.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE: APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Samuel Hair [Here insert name of child] born on the 2nd day of February, 1903
Name of Father: Daniel Hair a citizen of the Cherokee Nation.
Name of Mother: Maud Treasurer a citizen of the Cherokee Nation.
Tribal enrollment of father Cherokee Roll No. 2140 Tribal enrollment of mother Cherokee Roll No. 26003
Postoffice Hadley, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Muskogee County ~~District~~

I, Maud Treasurer, on oath state that I am 41 years of age and a citizen by blood, of the Cherokee Nation; that I ~~am~~ was the lawful wife of Daniel Hair, who is a citizen, by blood, of the Cherokee Nation; that a male [Male or Female] child was born to me on 2nd day of February, 1903; that said child has been named Samuel Hair and was living March 4, 1906, and is now alive and living with me. Maude Treasurer.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 14th day of January 1911

Seal

R. P. Harrison, Clerk.
By S. A. Mills - Deputy.
~~Notary Public.~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~
~~District.~~

I, Rachel Fisher, a ~~.....~~, on oath state that I attended on Maud Treasurers, wife of Daniel Hair, on the 2nd day of February, 1903, that there was born to her on said date a mail [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Samuel Hair who is now alive and living with her. Rachel Fisher.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 21st day of January 1911

Seal

R. P. Harrison - Clerk
By S. A. Mills, Deputy.
~~Notary Public.~~

Cher 11065
George Hawkins

Cher 11065

DEPARTMENT OF THE INTERIOR
Commission to the Five Civilized Tribes
Muskogee, Oklahoma, November 25, 1910.

DEPARTMENT OF INDIAN AFFAIRS
RECEIVED
JUL 22 1912

In re application for enrollment of George and Peggie Hawkins as Cherokee citizens, by Josiah Hawkins, their father.

20635

R. L. Taylor, U.S. Indian Policeman, Westville, Oklahoma, duly sworn interpreter.

By George Reed, Clerk Indian Office

Tahlequah, November 10, 1910.

Josiah Hawkins, being first duly sworn, testified as follows:

Q. What is your name
A. Josiah Hawkins
Q. How old are you
A. 31 years old
Q. Are you an enrolled Cherokee citizen
A. Yes
Q. Is your enrollment number 18404
A. I don't know the number
Q. Are you the husband of Eva Bell Hawkins, an enrolled Cherokee citizen
A. Yes
Q. Are you the father of George and Peggie Hawkins, Cherokee minor children
A. Yes
Q. When was George Hawkins born
A. March 3, 1903
Q. When was Peggie Hawkins born
A. February 27, 1905
Q. Did you have a Physician or midwife in attendence upon your wife when these children were born
A. No but my mother attended at the birth of Peggie, old lady Peggie Hawkins attended at the birth of George Hawkins
Q. Did you make any record of the date of the birth of these children at the time they were born
A. Yes

Here is submitted a leaf torn from a book as being the record of the dates of the births of these children (See leaf attached to application, written in Cherokee)

Q. Did you write on this leaf (indicating the leaf submitted by witness) the date of the birth of George Hawkins and of Peggie Hawkins, your children
A. Yes
Q. Are you willing that this memorandum be sent to Washington D.C. for the purpose of evidence of the dateof birth of these children
A. Yes
Q. Have you heretofore made application for the enrollment of these children as Cherokee citizens
A. No
Q. Why did you not
A. Because I didn't know anything about it.

Witness excused

Eva Bell Hawkins being first duly sworn testified as follows

Q. What is your name, age and post office address
A. Eva Bell Hawkins, 30 years old, Tahlequah
Q. Are you an enrolled Cherokee citizen
A. Yes (See Cherokee roll No. 18405)
Q. Are you the wife of Josiah Hawkins
A. Yes
Q. Have you two children who are not enrolled named George Hawkins and Peggie Hawkins
A. Yes
Q. Who is the father of these children
A. Josiah Hawkins
Q. When was this child George Hawkins born
A. My husband has it in his book
Q. When was Peggy born
A. My husband has it in his book
Q. Is this the record that you refer to as showing the date of the birth of George and Peggie Hawkins (Here showing the witness the leaf of the record submitted by Josiah Hawkins for identification)
A. Yes (See leaf of record book attached to application)
Q. Are these children now living
A. Yes and living with me
Q. Have you or any one else that you know of ever made application heretofore for the enrollment of George and Peggie Hawkins your children
A. I don't know anything about it
Q. Who was present at the birth of George Hawkins your oldest son
A. Peggie Hawkins, a cousin
Q. Who was present at the time of the birth of Peggie Hawkins
A. Eva Hawkins my husband's mother.

Witness dismissed

Both children were present and appeared to be of the age claimed.

I hereby certify that the above is a true and correct copy of my long hand notes taken in said case on the 10th day of November 1910.

D. A. Wells

Subscribed and sworn to before me this 12th day of December 1910.

Harry Montague
Notary Public

My Commission expires 9/13/1911

MEMORANDUM.

George Hawkins, minor full blood Cherokee, born March 3, 1903.
Peggie Hawkins, " " " " " Feb'y. 27,1906.

Father - Josiah Hawkins, P. O. Tahlequah, Okla., full blood Cherokee, Roll No. 18404.

Mother - Eva Belle Hawkins, P. O., Tahlequah, Okla., full blood Cherokee, Roll No. 18405.

Witnesses - Nov. 26, 1910, father, mother and midwife named Eva Hawkins as to birth of Peggy Hawkins and midwife named Peggy Hawkins as to birth of George Hawkins.

Record of births written in Cherokee taken as a leaf from an old memorandum book attached to birth affidavits filed.

No prior application made because "I didn't know anything about it."

Children produced at the hearing and appeared to be of the age claimed. Both parents enrolled.

Recommended that George Hawkins and Peggie Hawkins be enrolled as minor full blood Cherokees.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

RECEIVED JUL 22 1913 INDIAN AFFAIRS

90635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of George Hawkins [Here insert name of child] born on the 3rd day of March 1903

Name of Father: Josiah Hawkins a citizen of the Cherokee Nation. No. Blood

Name of Mother: Eva Belle Hawkins a citizen of the Cherokee Nation. No. Blood

Tribal enrollment of father Cherokee full blood Tribal enrollment of mother Cherokee full blood.

Postoffice Tahlequah, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Country, State of Oklahoma.

Cherokee County. District.

I, Eva Belle Hawkins, on oath state that I am 30 years of age and a citizen by blood, of the Cherokee Nation; No. Blood

that I am the lawful wife of Josiah Hawkins, who is a citizen, by blood, of the Cherokee Nation; that a male [Male or Female] child was

born to me on 3rd day of March, 1903; that said child has been named George Hawkins and was living March 4, 1906. and is still living with its parents

Eva Belle Hawkins mark her

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1181 Clinton St Washington DC
Richard L. Taylor Tahlequah okla

Subscribed and sworn to before me this 10th day of November 1960

R. P. Harrison - Clerk
By S. Hillis Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Country, State of Oklahoma.

Cherokee County. District.

I, Peggy Hawkins, a mid-wife, on oath state that I

attended on Eva Belle Hawkins, wife of Josiah Hawkins

on the 3rd day of March, 1903.; that there was born to her on said date a male [Male or Female]

child; that said child was living March 4, 1906, and is said to have been named George Hawkins

And is now living. And living with its Parents about 8 Miles West of Tahlequah Okla

Peggy X Hawkins mark
P. O. Tahlequah Okla

WITNESSES TO MARK:

[Must be Two Witnesses] { Richard L. Taylor Tahlequah okla
S. Hillis, Muskogee okla

Subscribed and sworn to before me this 10th day of November 1960

R. P. Harrison, Clerk
By S. Hillis, Deputy Notary Public.

Re Miller Roll

Gentlemen – This Case Consolidates with Act in Case of Geo. Hawkins & Geo. [illegible]

BIRTH AFFIDAVIT. 199

INDIAN AFFAIRS RECEIVED JUL 30685

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Peggy Hawkins, born on the 27 day of February, 1905.
[Here insert name of child]

Name of Father: Josiah Hawkins a citizen of the Cherokee Nation. No. R. Roll

Name of Mother: Eva Belle Hawkins a citizen of the Cherokee Nation. No. R. Roll

Tribal enrollment of father Cherokee full blood. Tribal enrollment of mother Cherokee full blood.

Postoffice Tahlequah, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma
Cherokee County, District.

I, Eva Belle Hawkins, on oath state that I am 30 years of age and a citizen by Blood, of the Cherokee Nation. No. R. Roll

that I am the lawful wife of Josiah Hawkins, who is a citizen, by Blood, of the Cherokee Nation; that a female child was
[Male or Female]

born to me on 27th day of February, 1905; that said child has been named Peggy Hawkins and was living March 4, 1906, and is still living with me.

her
Eva Belle X Hawkins
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed Washington DC
Richard L. Taylor Tahlequah Okla

Subscribed and sworn to before me this 10th day of November 1906

R. P. Harrison, Clerk
By Williams, Deputy — Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma
Cherokee County, District.

I, Eva Hawkins, a midwife, on oath state that I attended on Eva Belle Hawkins, wife of Josiah Hawkins on the 27th day of February, 1905; that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Peggy Hawkins and is still living with its mother Eva Belle Hawkins

her
Eva X Hawkins
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 14th day of November 1906

R. P. Harrison, Clerk
By Williams - Deputy — Notary Public.

THE SUPERINTENDENT
FOR THE FIVE CIVILIZED TRIBES

Make all remittances payable to
W. H. BARNS, Cashier.

Local Offices:

Vinita,	Idabel,
Jay,	Hugo,
Nowata,	McAlester,
Sapulpa,	Tahlequah,
Okmulgee,	Wagoner,
Muskogee,	Sheffield,
Tahlequah,	Ardmore,
Stilwell,	Chickasha,
Pryor,	Pauls Valley.

Department of the Interior.

United States Indian Service.

Muskogee, Oklahoma.

Consolidated Offices of
Union Agency and
Commissioner to the Five Civilized Tribes
DANA H. KELSEY
Supervisor in Charge

Note.
Sumis to be family birth record giving dates Born.

Coowesta Hawk. Born. Jan. 15-1899 ~~1899~~.
Nicca = " " " " May 7-1900
Geo. " " " " March 3-1903.
Quetie, or Bettie Hawk " " Feb. 27-1905
Charlotte " " " Nov. 20-1907.
Sallie " " Born Oct. 15-1908

and I was 6 years old March 3-1909

Thats all I can write in regard to ages of the above.

Very Respt.

(signed) Geo. Hawk.

OF INDIAN AFFAIRS
RECEIVED
JUL 22 1913
90635

Muskogee, Oklahoma, December 14, 1910.

Mr. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the claim of George and Peggie Hawkins to be enrolled as Cherokee citizens, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-111

Cher 11066
Enoch Henson

Cher 11066

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Enoch Henson

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.



BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Enoch Henson (Here insert name of child) born on the 30th day of May 1905

Name of Father: Richard Henson a citizen of the Cherokee Nation. No. 11185

Name of Mother: Caroline Welch Henson a citizen of the Cherokee Nation. No. 17784

Tribal enrollment of father Cher. bb. 12. 185 Tribal enrollment of mother Cher. full bl. No. 17784.

Postoffice Tulbert, Oklahoma.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma

Cherokee County, District.

I, Caroline Welch Henson on oath state that I am about 21 years of age and a citizen by blood of the Cherokee Nation No. 17784 that I am the lawful wife of Richard Henson, who is a citizen, by blood, of the Cherokee Nation No. 11185 that a male (Male or Female) child was born to me on 30th day of May 1905; that said child has been named Enoch Henson and was living March 4, 1906, and is still living with me and is present. Caroline Welch Henson

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Newton St Washington D.C. (mark)
R. L. Taylor Westerville Ok }

Subscribed and sworn to before me this 18th day of November 1906

R. P. Harrison - Clerk
By A. Allen Deputy — Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma

Cherokee County, District.

I, Sarah Ryder Cher. bb. 17783, a mid-wife and mother of John Welch and Caroline Welch, on oath state that I attended on Caroline Welch Henson, wife of Richard Henson on the 5th day of May 1905; that there was born to her on said date a male (Male or Female) child: that said child was living March 4, 1906, and is said to have been named Enoch Henson and is still living and present with me, Sarah (her mark) Ryder

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Newton St Washington D.C. (mark)
R. L. Taylor Westerville Ok }

Subscribed and sworn to before me this 18th day of November 1906

R. P. Harrison - Clerk
By A. Allen Deputy — Notary Public.

MEMORANDUM.

OF INDIAN AFFAIRS
RECEIVED
90635 1913

Enoch Henson - minor Cherokee by blood, born May 30, 1906, whose name appears on the Eastern Cherokee roll No. 12932, but who has not been enrolled on D. C. B. roll.

Father - Richard Henson, 7/8 Cherokee by blood, Roll No. 12185.

Mother - Caroline Welch Henson, enrolled as Caroline Welch, Cherokee full blood, Roll No. 17784.

Birth affidavit of mother and grandmother of minor child.

Both parents enrolled Cherokee citizens and child having been born prior to March 4, 1906, and living on that date and having been produced in support of birth affidavit, it is

Nov 18, 1913

Recommended that Enoch Henson be enrolled as a minor Cherokee by blood.

Cher 11067
Lydia Hicks

Cher 11067

OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

John 4d

IN RE APPLICATION FOR ENROLLMENT, as a Cherokee Citizen, of Lydia Hicks, as shown upon the Eastern Cherokee Roll opposite No.14024, and shown to be not upon the final Rolls of the Five Civilized Tribes.

Proceedings had at Vian, Oklahoma, December 23rd, 1910, by Mr. S. A. Mills, on behalf of the Commissioner.

Interpreted by Thomas P. Roach, Official Interpreter, of Muskogee, Okla.

Examination by Mr. Mills:

George Hicks being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A George Hicks, age 38, P.O. Vian, Okla.

Q Are you married? if so, what is the name of your wife and children? A Yes; my wife's name is Ida, and we have one daughter named Lydia, and I also have one dead child named John.

Q Are you an enrolled Cherokee Citizen? A Ses Sir. (See F.C.R.#18692)

Q Where is Lydia Now? A Here she is--indicating the child.

Q When was Lydia born? A She was born September 17, 1905.

Q Hawe you a written record of that event? A Yes. (Here witness submits Family Record ~~of that record~~ written in Cherokee, which interpreter interpreting reads "Lydia Hicks, born September 17, 1905")

Q Who made this record? indicating the record submitted? A My brother made it.

Q Is this a true record of the date of the birth of Lydia? A Yes sir, it is.

Q Was Lydia enrolled upon the Eastern Cherokee Roll and participated in the distribution of the Eastern Cherokee fund? A Yes sir. ((See E.C.R.~~#13404~~ (14024)

Q Is Lydia now living with you? A Yes sir.

Q Have you ever made application for the enrollment of Lydia upon the Final Rolls of the Cherokee Nation before the Dawes Commission? A No sir.

Q Why not? A I never did any thing about it; I just let it run along.

Q You also stated that you had a son John who is not enrolled? where is he now? A. He is dead.

Q When was he born? A Born May 22, 1903.

Q Have you a written record of the date of the birth and death of this son John? A Yes sir. (Here witness submits Family Record in Cherokee which interpreted by the interpreter reads, "John Hicks, born on May 22, 1903, and died on June 28, 1905.

Q Was your wife Ida the mother of Lydia and your deceased son John? A Yes sir.

Q Who waited upon your wife Ida and attended to her at the time Lydia and John were born? A Mary Hicks, (See F.C.R.#18691) waited upon my wife when John and Lydia were born.

Ida Hicks being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Ida Hicks, age 28, Vian, Okla.
Q What is your husband's name? A George Hicks. (See F.C.R.#18692)
Q Are you an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.#18693)
Q What children have you born of George Hicks? A We have had two children, John and Lydia.
Q Where are these children now? A John is dead, Lydia is here--indicating the child.
Q When was John, your deceased son, born? A On May 22, 1903, and he died June 28, 1905.
Q Have you a written record of those events? A Yes. (Here witness submits the same record as introduced by her husband, George Hicks, written in Cherokee showing the same as testified to by her as to the dates of the birth and death of their son John Hicks and the date of the birth of Lydia Hicks.
Q Who attended you at the time of the birth of your children? A My mother-in-law, Mary Hicks.
Q Have either of your children, John or Lydia, been enrolled upon the Final Rolls of the Five Civilized Tribes as Cherokee Citizens? A No sir.

Mary Hicks being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Mary Hicks, age 66, Vian, Okla.
Q Do you know George Hicks and his wife Ida? A Yes; George is my son and Ida is his wife.
Q Are they enrolled Cherokee Citizens? A Yes.
Q Do you know their children, John and Lydia? A Yes; John is dead and Lydia is living with her parents.
Q When was John born? the son of George and Ida Hicks? A Born on May 22, 1903 and died June 28, 1905.
Q When was Lydia born? A September 17, 1905.
Q Was you present when these children were born? A Yes; I waited on their mother.
Q Have you any record of the bieth of these children? A No; by my son George has a written record.

Lydia Hicks is present and appears to be of the age and blood claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 9th day of January, 1911.

H. P. Harrison, Clerk.

By Edward Herrick
Deputy.

BIRTH AFFIDAVIT 199

RECEIVED JUL 24 1913

DEPARTMENT OF THE INTERIOR, 90635

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of John Wicks [Here insert name of child], born on the 22nd day of May 1903

Name of Father: George Wicks a citizen of the Cherokee Nation.

Name of Mother: Ida Wicks a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll No. 18497. Tribal enrollment of mother Cherokee Roll No. 18693

Postoffice Vian, Okla.

~~AFFIDAVIT OF MOTHER.~~

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Sequoyah County, ... District.

I, Ida Wicks, on oath state that I am 28 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful wife of George Wicks, who is a citizen, by Blood, of the Cherokee Nation; that a Male [Male or Female] child was born to me on 22nd day of May, 1903; that said child has been named John Wicks, and was living March 4, 1906. ~~and is now Dead~~ he ~~is now~~ died June 28th 1905.

Mrs. Ida Wicks

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this 29 day of December 1913

R. P. Harrison - Clerk

By A. Willis - Dep. — ~~Notary Public.~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Sequoyah County, ... District.

I, Mary Wicks, a midwife, on oath state that I attended on Ida Wicks, wife of George Wicks on the 22nd day of May, 1905; that there was born to her on said date a Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named John Wicks but he is now dead having died on June 28th 1905

Mary X Wicks
her mark
Cherokee Roll No. 18681

WITNESSES TO MARK:

[Must be Two Witnesses] W. F. Hall Muskogee Okla.

Thomas P. Roach Muskogee Okla.

Subscribed and sworn to before me this 29 day of December 1913

R. P. Harrison - Clerk

By A. Willis ~~Notary Public.~~

BIRTH AFFIDAVIT. 199

RECEIVED JUL 24 1913

DEPARTMENT OF THE INTERIOR, 90635

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Lydia Hicks [Here insert name of child] born on the 17th day of September 1905

Name of Father: George Hicks a citizen of the Cherokee Nation.

Name of Mother Ida Hicks a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Dec. 1869 Tribal enrollment of mother Cherokee Roll 1893

Postoffice Vian Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~ State of Oklahoma,
Sequoyah County ~~District~~.

I, Ida Hicks, on oath state that I am 28 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful wife of George Hicks, who is a citizen, by Blood, of the Cherokee Nation; that a Female [Male or Female] child was born to me on 17th day of September 1905; that said child has been named Lydia Hicks and was living March 4, 1906, and is now alive and living with me.

Mrs Ida Hicks

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 23d day of December 1913.

R. P. Harrison - Clerk
By A. Willis Deputy ~~Notary Public~~.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~ State of Oklahoma,
Sequoyah County ~~District~~.

I, Mary Hicks, a Midwife, on oath state that I attended on Ida Hicks, wife of George Hicks, on the 17th day of September 1905; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Lydia Hicks, who is now alive and living with her parents

her
Mary X Hicks, Chuck Roll 1869
mark
P. O. Vian

WITNESSES TO MARK:

[Must be Two Witnesses] W. E. Ealy Muskogee
Thomas P. Roach Muskogee OK

Subscribed and sworn to before me this 23d day of December 1913

R. P. Harrison - Clerk
By A. Willis - Deputy ~~Notary Public~~.

Cher. J. 86.

MEMORANDUM.

Lydia Hicks, P. O. Vian, Oklahoma, on Eastern Cherokee roll No. 14092, not on F. C. T. rolls, born Sept. 17, 1905, living, produced at the hearing and appeared to be of the age and blood claimed. Dec 23, 1910

John Hicks, born May 22, 1903, died June 28, 1903, not living on Sept. 1, 1902, or March 4, 1906, not entitled.

Father, George Hicks, Cher. roll No. 18692, seven-eights degree blood.

Mother, Ida Hicks, Cher. roll No. 18693, one-half degree blood.

No previous application, Father said, "I never did anything about it, I just let it run along."

Witnesses, father, mother and grandmother who waited on mother at birth of children. Bible record produced entries in Cherokee.

Recommended that Lydia Hicks be enrolled as a minor Cherokee eleven-sixteenths degree blood.

Cher 11068
John E. Hilderbrand

Cher 11068

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a Cherokee Citizen, of John B. Hildebrand:

PROCEEDINGS had at Bragge, Oklahoma, December 28th, 1910, by Mr. S. A. Mills, on behalf of the Commissioner.

Examination by Mr. Mills:

D. Wood being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A D. Wood; age 26 years old; P.O., Kinta, Okla.

Q Are you an enrolled Cherokee Citizen? A No sir.

Q For what purpose doyou appear before me at this time? A To make application for the enrollment of John Hilderbrand, the son of John H. Hilderbrand Jr., an enrolled Cherokee Citizen.

Q You state that John H. Hilderbrand is an enrolled Cherokee Citizen? A Yes sir.

Q Please state opposite what enrollment number willI find his name? A Opposite Final Cherokee Roll No.26995.

Q What Cherokee blood ws Mr. Hilderbrand? A One-forth Cherokee blood

Q What was his wife's name, if he had one? A Laura Hilderbrand.

Q Was she an enrolled Cherokee Citizen? A No sir.

Q Was she the lawful wife of the said John Hilderbrand Jr? A Yes sir.

Q What was her name before she was married? A Laura Wood.

Q What year was she and John Hilderbrand married? A Nov. 8, in 1900 or 1901.

Q Was there any issue to that marriage? A Yes sir; two children.

Q What are their names? A Nancy Louettie and John B. Hilderbrand.

Q Where is the father of these children? A He is dead.

Q When did he die? A June 3, 1910.

Q Where is the mother of these children now? A She is dead.

Q When did she die? A Nov. 24, 1906.

Q Who has charge of these children now? A Sarah Wood.

What is her Post Office? A Kinta, Okla.

Q Are both these children, Laura and John, now living? A Yes sir; living with their grandmother Sarah Wood, at Kinta, Okla.

Q Was Nancy Hilderbrand and John H. Hilderbrand Jr. ~~xxxxxxxxxx~~ ever enrolled upon the final Rolls of the Cherokee Nation? A Yes. (Here witness submits patent executed by the Cherokee Nation to Nancy Louettie Hilderbrand, showing Cherokee Citizens Roll No.26998).

Q In what relationship do you stand to this John B. Hilderbrand, for whom you are making application for enrollment as Cherokee Citizen? A I am his Uncle, being his mother's brother, and Sarah Wood, my mother, received a letter that had been addressed to John H. Hilderbrand Jr. informing her that District Agent S.A. Mills would be at Bragge today for the purpose of investigating the rights to enrollment of John B. Hilderbrand. It being so far away and she was not feeling well she could not appear here at this time, so she sent me up here to attend to it for her.

Here witness submits letters of guardianship issued in the County Court of Haskell County, State of Oklahoma, upon the 31st day of December, 1907, A.L.Beckett County Judge, appointing Sarah Wood Guardian of the persons and estates of Nancy Louetta Hilderbrand and John E. Hilderbrand. The same being duly certified, sealed, signed and dated.

Q When did you see John E. Hilderbrand last? A Yesterday morning.

Q Then it is a fact that he was alive on March 4, 1906 and is now alive and living with his legal guardian, his grandmother Sarah Wood, at Vinita, Okla? A Yes sir.

Q Do you know of any effort or application having heretofore been made for the enrollment of John E. Hilderbrand upon the Final Rolls of the Five Civilized Tribes? A Yes sir; his father made application for his enrollment in the Spring of 1906.

Q What became of that application? do you know? A His father received a filing card but was never able to get to use it; there seemed to be some hitch at the Muskogee office.

Q Was you present when this child, John E. Hilderbrand, was born? A No; but I saw him about four hours after he was born.

Q When was he born? the year, month and day? A Born Oct. 30, 1905.

Q Have you a written record of that event? A No sir; nothing more than my recollection.

Q How doyou make the date so positive? A We moved to the Choctaw Nation in September before the child was born in October.

Q Do you know if the grandmother of this child has a written record of the date of his birth? A I do not know.

W. F. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W F Foltz

Subscribed and sworn to before me on this 10th day of January, 1911.

R. P. Harrison, Clerk

By Edward McCormick
Deputy.

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-- ----------

IN RE APPLICATION FOR ENROLLMENT, as a Cherokee Citizen, of John E. Hilderbrand.

Proceedings had at Kinta, Oklahoma, January 26, 1911, before Mr. S. A. Mills, on behalf of the Commissioner.

Examination by Mr. Mills:

Sarah Wood, being first duly sworn, testifies as follows:

Q State your name, age and Post Office address? A Sarah Wood, about 55 years old; Kinta, Okla.

Q Are you a Cherokee Citizen? A No sir, a white woman, what they call Non-citizens.

Q Do you know John H. Hilderbrand Jr? A Yes, he was my son-in-law.

Q Was he an enrolled Cherokee Citizen? A Yes.

Q Where is John H. Hilderbrand Jr. Now? A He is dead; he died June 3, 1910.

Q Was he married? did he have a family? A Yes; he was married to my daughter.

Q Where is his wife, your daughter? A She is dead; she died Oct. 24, 1906.

Q Did they have any children? A Yes. Nancy Louetta, and John E. Hilderbrand.

Q Is Nancy Louetta Hilderbrand enrolled? A Yes.

Q Is their son John Enrolled? A No sir; but I want him enrolled and to get his land if there is any chance to.

Q Where is this child John now? A There he is (indicating the child). I keep him, I am his legal Guardian.

Q When was this boy born? A Oct. 30, 1905.

Q Have you any written record of the date of the birth of this child? A No sir.

Q How doyou fix the date? A Just by memory?

Q Who was present when he was born, if you know? A I was, and Mrs. Cook, she is now in Texas, the last I heard of her.

Q Have you, or any one that you know of, heretofore made application for the enrollment of this child John? A Yes, his father, John H. Hilderbrand Jr. had it up with the Commissioner at Muskogee, and they have had a whole lot of trouble about it, but John is dead now and I am doing the best that I can for the child. A Lawyer named Tirey, at Kinta, did some writing about it, I cannot tell you what.

Q Where was thischild born? A Born in the Cherokee Nation just before we moved down here; I moved down here in 1905.

Q You state you are the Legal Guardian of this child? A Yes; my son says he gave you the letter of guardianship when he was before you at Bragge.

Said guardianship papers submitted to the witness and identified by her to be the papers transmitted to me by her through her son D. Wood. Witness also submitted affidavit executed by her on the 15th day of May, 1906, which she states was intended to be filed in this matter at that time, that she does not know why it was not filed; she recently found it among her papers and now submits same.

W. R. Folts, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken, in this case.

W. R. Folts

Subscribed and sworn to before me on this 28th day of January, 1911.

Edward Merrick
Notary Public.

MEMORANDUM.

Cher. J. 98.

John E. Hilderbrand, orphan, born Oct. 31, 1905, P. O. Kinta, Okla., Living with his grandmother, Sarah Wood, to whom letters of guardianship have issued over him and his sister, Nancy Louatti Hilderbrand, Cher. roll No. 26998, 1/8 degree blood.

Father -- John H. Hilderbrand, Jr., Cher. roll No. 26995. deceased June 3, 1910.

Mother -- Laura Hilderbrand, non citizen, deceased Nov. 24, 1906.

Mother applied for the enrolment of this child on May 25, 1906, denied on February 23, 1907, and by the Department on March 4, 1907, for lack of evidence of marriage of parents. The record shows a certified copy of marriage of John Hilderbrand and Laura Woods, married on Nov. 8, 1901.

Nancy Louettie Hilderbrand, Cher. roll, No. 26998, is the issued of the same marriage and a sister to John E. Hilderbrand denied enrollment for lack of evidence of marriage of parents.

Evidence sufficient to warrant the enrolment of John E. Hilderbrand, born Oct. 31, 1905, still living, as a minor Cherokee of 1/8 degree blood and it is so recommended.

(Copy)

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of John E. Hilderbrand, born on the 30th day of October 1905
[Here insert name of child]

Name of Father: John H. Hilderbrand Jr. deceased, a citizen of the Cherokee Nation.

Name of Mother Laura Hilderbrand deceased, a non citizen of the Nation.

Tribal enrollment of father Cherokee Roll No 4995 Tribal enrollment of mother.

Postoffice Vinita, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Haskell County ~~District.~~

I, ... on oath state that I am.....

years of age and a citizen by..... of the..... Nation;

that I am the lawful wife of....., who is a citizen, by

..... of the..... Nation; that a .....child was
[Male or Female]

born to me on..... day of..... ; that said child has been named

..... and was living March 4, 1906.

.....

WITNESSES TO MARK:

[Must be Two Witnesses] .....

.....

Subscribed and sworn to before me this..... day of..... 1906.

.....
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Haskell County District.

I, Sarah Wood, a..... on oath state that I

attended on Laura Hilderbrand wife of John H. Hilderbrand Jr.

on the 30th day of October 1905; that there was born to her on said date a male
[Male or Female]

child; that said child was living March 4, 1906, and is said to have been named John E. Hilderbrand

who is now alive and living with me. Her Sarah X Wood
mark

WITNESSES TO MARK:

[Must be Two Witnesses] S. A. Miller, Muskogee, Okla.

W. E. Foltz, Muskogee Okla

Subscribed and sworn to before me this 26 day of January 1907

Seal.

R. P. Harrison - Clerk
~~Notary Public.~~

By S. A. Mills - Deputy

16590

No 15

In Re Guardianship of

Nancy Louietta Hildebrand

John E Hildebrand.

Letters of Guardianship.

Ltrs 11668

FILED
SEP 18 1914
F. D. Wright,

32477

DEC 17 1914

State of Oklahoma,

Haskell County. In County Court.

In Re Guardianship of Nancy Louietta Hildebrand and John E Hildebrand.

Sarah Wood is hereby appointed Guardian of the person and estates of Nancy Louietta Hildebrand and John E Hildebrand.

Witness A.L.Beckett, Judge of the County Court of Haskell County State of Oklahoma, with the seal thereof affixed this 31st day of Dec.1907.

A.L.Beckett
County Judge.

(Seal)

State Of Oklahoma,

Haskell County.

I, Sarah Wood do solemnly swear that I will discharge the duties of Guardian of the persons and estates of Nancy Louietta Hildebrand and John E Hildebrand according to law, to the best of my ability So help me God.

her
Sarah X Wood
mark

Attest,
Fred H Fannin.

(seal)

Subscribed and sworn to before me this 31st day of Dec.1907.

A.L.Beckett,
County Judge.

CERTIFICATE OF TRUE COPY

Office of Indian Affairs
Received Jul 24 1913
90635

(COPY)

State of Oklahoma,

County of Haskell,

Affidavit of Sarah Woods, relative to Jhon E. Hilderbrand. Sarah Woods being duly sworn deposes ans says:
That she is the mother of Laura Hilderbrand, and the grand mother of John E. Hilderbrand. That her daughter Laura Hilderbrand was lawfully married to John H. Hilderbrand and during such marriage had Two Children, to wit: Nancy Louietta and John E. Affiant says that the father of the above named children was a citizen of the Cherokee Nation by blood and was duly enrolled and received land as such, also the older child of said marriage. Affiant says that the younger child John E. Hilderbrand was refused land for the reason that application for enrollment was not made in time. Affiant says that the father of said child abandoned his family four months prior to the birth of said child and said child was born at the home of affiant. Affiant says that said child was born on the 31st day of Oct. 1905. That the mother of said child died in the following year and affiant has had said child and his sister Laura in her lossession since. And is now the legally appointed Guardian of said children. Affiant says that she relied upon the father to enroll said John E. Hilderbrand, he being the only person authorized to do so. That in Nov. 1907 she applied for guardianship for said child and was duly appointed and made application to select said childs allotment and was informed that the rolls had been closed against the said John E. Hilderbrand. Affiant says that she and the two children above named are very poor and have no means of support other than what they made by hard labor. That the allotment of the older child is not in cultivation.

her
Sarah X Woods
mark

Attest
J. A. Aston
A. L. Becken

Subscribed abd sworn to before me this the 15th day of May 1908.

A. L. Becken
County Judge.

SEAL

No. 15

In Re Guardianship
of
Nancy Louietta Hildebrand
John E. Hildebrand

Letters of Guardianship

Office of Indian Affairs
Received Jul 24 1913
90636

(COPY)

State of Oklahoma,

Haskell County. In County Court.

In Re Guardianship of Nancy Louietta Hildebrand and John E. Hildebrand.

Sarah Wood is hereby appointed Guardian of the persons and estates of Nancy Loyietta Hildebrand and John E. Hildebrand.

Witness A. L. Beckett Judge of the County Court of Haskell County State of Oklahoma, with the seal thereof affixed this 31st day of Dec. 1907.

(SEAL) A. L. Becken

County Judge

##########

State of Oklahoma,

Haskell County.

I, Sarah Wood do solemnly swear that I will discharge the duties of Guardian of the persons and estates of Nancy Louietta Hildebrand and John E Hildebrand according to law, to the best of my ability So help me God.

her
Sarah X Wood
mark

(SEAL)
Attest, rred H. rannin.
Subscribed and sworn to before me this 31st day of Dec. 1907.

A. L. Beckett,
County Judge.

##########

State of Oklahoma,

County of Haskell. Certificate of true Copy.

I, Carl Coker Deputy Clerk of the County Court, in and for the County and State aforesaid, do hereby certify that the instrument hereto attached is a full, true and correcto copy of the Letters of Guardianship as the same appears of record in this office.

Witness my hand and the seal of said Court at Sitgler, Oklahoma, on this 26th day of July, 1910.

Carl Coker
Dep. Clerk County Court.

(SEAL)

(COPY)

19672-1910.

COPY Muskogee, Oklahoma, August 16, 1910.

Mr. P. J. Tifey,

Kinta, Oklahoma.

Sir:

I am in receipt of your letter of August 9, in which you ask information concerning the enrollment and allotment of John E. Hilderbrand, a minor Cherokee.

Replying thereto you are advised that the records of this office show that on May 25, 1906, application was received at this office for the enrollment of John E. Hilderbrand, child of John and Laura Hilderbrand, neither of whom could be identified as a citizen of the Cherokee Nation. Numerous letters addressed to John Hilderbrand at Stigler, the post office address given in the birth affidavit, requesting information by which he might be identified on the records of this office, were returned unmailed, and on February 23, 1907, the Commissioner rendered his decision refusing to receive the application for the enrollment of said John E. Hilderbrand, and his decision was affirmed by the Department on March 4, 1907.

You are further advised that the roll of Cherokee citizens was closed by operation of law on March 4, 1907, and there is now no authority of law under which any name can be added to said roll.

Respectfully,

J. Geo. Wright

Commissioner.

LS

(COPY)

Office of Indian Affairs
Received Sep 6-1910
File 72153

Dept of the Interior
Received Sept 6-1910
to Indian Office
Secys office-Mails & Files

OFFICE
OF
P. J. TIRFY COLLECTING AGENCY,
ALL KINDS OF COLLECTIONS A SPECIALTY,
REAL ESTATE AND FIRE INSURANCE,
KINTA, OKLAHOMA.

August 31st 1910.

Secretary Interior,

Washington, D. C.

My dear Sir:--

I am writing your office for information in behalf of Mrs. Sarah Wood, guardian of John E. Hilderbrand and Nancy Louettie Hilderbrand, whose father, John Hilderbrand, was a citizen by blood of the Cherokee Nation, and that John E. Hilderbrand for some reason or other has been denied the right to participate in the Cherokee lands, according to Mrs. Wood's testimony.

I am enclosing a letter which I have received from Mr. Wright at Muskogee, which I wish you would kindly look over. It appears that this John E. Hilderbrand made application for enrollment about May 25, 1906, but same was refused, after the department having mailed several letters to him at Stigler and the letters being returned uncalled for.

According to the letter of Mr. Wright enclosed this child's father, John Hilderbrand was never identified as a citizen of the Cherokee Nation, but Mrs. Wood who is guardian of his two children say he was a cherokee and drew money from time to time along with other cherokees. Also she says that the little girl Nancy Louettie got her land without any trouble and she is at a loss to understand why one can participate in these lands & money unless the other one did also.

Mrs Wood has in her possession a certificate showing that John E. Hilderbrand was enrolled as a cherokee indian, that is it is a card bearing an enrollment number and stating "Admit John E. Hilderbrand" and signed by Tams Bixby, commissioner.

I would appreciate the fact very much if you will write me fully, explaining particularly with reference to this enrollment

card she has. Mrs. Wood is an aged lady and it seems she is badly tangled over this matter and has asked me to take the matter up with you people for her, and see what you have to say about it.

Pleased to hear from you with return of the enclosed letter.

Very respectfully,

P. J. Tirey

(COPY)

1-6315 2

WRL
JM
CKW
JED

Land-
Population.
72163-1910.
J E D

WASHINGTON.

Cherokee en-
rolment claim.

Sep 22 1910

Mr. W. C. Pollock,

c/o Commissioner to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

The Office has received by reference of the Secretary of the Interior a communication, dated August 31, 1910, from P. J. Tirey of Kinta, Okla., relative to the Cherokee enrolment claim of John E. Hilderbrand.

The records of the Office show that on May 25, 1906, an application was received in the Office of the Commissioner to the Five Civilized Tribes for the enrolment of John E. Hilderbrand as a minor citizen of the Cherokee Nation under the provisions of Sec. 2 of the Act of Congress approved April 26, 1906, (34 Stat. L., 137). The record further shows that the Commissioner to the Five Civilized Tribes, not being able to identify John Hilderbrand, the father of said minor child, as a citizen of the Cherokee Nation, wrote to said Hilderbrand at Stigler, Indian Territory, for information

which would enable the Commissioner to identify him on the approved rolls of the Cherokee Nation or as an applicant for such enrolment. It appears that said communications were returned to the Commissioner unclaimed.

The Commissioner, in his decision, said that the applicant was the minor child of John Hilderbrand and Laura Hilderbrand, neither of whom could be identified as a citizen of the Cherokee Nation or as a person who had filed application for enrolment up to April 26, 1906. He, therefore, held that he was without authority to receive the application for the enrolment of said minor child as a citizen by blood of the Cherokee Nation, and the Department, on March 4, 1907, affirmed said decision.

It appears from Mr. Tirey's communication that Mrs. Sarah Wood is the guardian of John E. Hilderbrand and Nancy Louettie Hilderbrand, and that both of said wards were the children of John Hilderbrand. The name of Nancy Louettie Hilderbrand appears opposite No. 26998 on the final approved rolls of citizens by blood of the Cherokee Nation, and from the report of the Commission to the Five Civilized Tribes, dated April 14, 1903, it appears that said Nancy Louettie Hilderbrand is the daughter of John E. Hilderbrand, Jr., enrolled as No. 26995 on the above mentioned roll. The schedule containing the names of the father and daughter

was approved on May 6, 1903. It, therefore, appears that if the statement contained in Mr. Tirey's letter is correct, John E. Hilderbrand should have been enrolled and the only reason for the denial of said enrolment was the inability of the Commissioner to the Five Civilized Tribes to ascertain the fact that the name of the father of said child was on the final approved rolls of the nation.

As this seems a meritorious case Mr. Tirey's communication is transmitted herewith for your information and investigation in connection with the work which is now engaging your attention in Oklahoma, and for such further action as may be deemed appropriate.

Very Respectfully,

F. H. Abbott,

Assistant Commissioner.

9-LLM-17

(COPY)

Sept 25 '10

Mr. Moore

Will you please learn what you wrote Tirey and whether this case is on our list &c. I think you may hold the matter until my return unless I am unduly delayed. I hope to be here by the last of this week.

W. C. P.

Mr. Pollock.
M. F. d Law this
case.
P S C M

DEPARTMENT OF THE INTERIOR,

Commissioner to the Five Civilized Tribes,

MUSKOGEE, OKLA.

(COPY)



Mr. W. C. Pollock,

C/o Commissioner to the Five Civilized Tribes,

Muskogee,

Oklahoma.

Cher 11069

John Hooper

"Alleged Dup. of 4012"

Cher 11069

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Stilwell, Oklahoma, November 12, 1910.

In the matter of the enrollment of John Hooper as a citizen by blood of the Cherokee Nation.

Proceedings had before George Reed, Clerk to the Commissioner of Indian Affairs.

Lizzie Sanders, being first duly sworn, testified as follows through R. L. Taylor, U. S. Indian Policeman, sworn interpreter.

By Mr. Reed:

Q What is your name, age and post office address? A Lizzie Sanders, age about nineteen years, post office Stillwell, Okla.
Q What was your name before you were married, Mrs. Sanders? A Lizzie Frogg.
Q Were you also known as Ailsey Frogg? A Yes, that is the name under which I was enrolled.
Q Are you a full-blood Cherokee? A Yes.
Q Did you have a child named John Hooper by one Turkey Hooper? A Yes. (See D. C. Cherokee Roll No. 26746).
Q Where is Turkey Hooper? A I don't know.
Q Who is Turkey Hooper? A My step-father.
Q Does this child, John Hooper, live with you now? A Yes, here he is. (Pointing out the child).
Q When was John Hooper born? A On the 10th day of February, 1905.
Q How old is your son, John, now? A He is about six years old.
Q Have you a bible or a book record of the date of the birth of John Hooper? A No, I never made a record.
Q Who was present when your son, John was born, did you have a doctor or a mid-wife? A No doctor, Jennie Feather attended me.
Q Have you heretofore made application for the enrollment of your son, John Hooper? A No.
Q Why haven't you made appliation heretofore? A I don't know any thing a-tall about it. (The child is present and appears to be a full-blood and of the age claimed).

Witness dismissed.

Jennie Feather, being first duly sworn, testified as follows through U. S. Indian Policeman, R. L. Taylor, sworn interpreter.

Q What is your name, age and post office address? A Jennie Feather. I don't know how old I am, old woman though. My post office is Stilwell, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes.
Q Do you know Lizzie Sanders, who used to be known as Lizzie Frogg? A Yes.
Q Is she a Cherokee citizen? A Yes, a full-blood; she belonged to Alie Hooper.
Q Were you present when a child was born to Lizzie Sanders or Lizzie Frogg-- this boy here (pointing out the boy)? A Yes.

Q What is his name? A John Hooper.
Q Who is his father? A Turkey Hooper.
Q What relation is Turkey Hooper to Lizzie Frogg, or Sanders? A Step-father.
Q How old is this child, John Hooper? A Past five years old.
Q Have you a record of the date of the birth of this child? A No I didn't put it down.
Q How do you know it is past five years old, then? A I just remember it; he has a birth-day every year.
Q Where is John now living? A Living with his mother, Lizzie.
Q You are sure that Turkey Hooper is the father of John, are you? A I don't know, they tell me so.

Witness dismissed.

Vester W. Rose, after being sworn, states that the above and foregoing is a correct and complete transcript of his stenographic notes taken in the above matter on the date therein set forth.

Vester W. Rose

Subscribed and sworn to before me this 7 day of December, 1910.

Harry Montague
Notary Public.

MEMORANDUM.

RECEIVED 24 1913 90635

John Hooper - minor Cherokee by blood - P. O., Stilwell, Okla., born February 10, 1906.

Father - Turkey Hooper - Cherokee full blood, Roll No. 26746., who is the stepfather of Lizzie Frog, the mother, whose name appears on Eastern Cherokee Roll No. 14592, without any enrollment number, U. C. T. Commission.

Mother - Lizzie Frog, who is identical with Alsie Frog, Cherokee full blood, No. 25654.

No application made by the mother prior to Nov. 12, 1910, because she knew nothing at all about it.

Witnesses - Mother, Lizzie Frog of Stilwell, Okla., and Jennie Feather, of Stilwell, Oklahoma, a midwife.

The minor child, John Hooper, is the illegitimate child of Lizzie Frog, by her stepfather, Turkey Hooper.

Both parents of the minor child are enrolled Cherokee citizens, the mother as Alsie Frog, Roll No. 25654, and the father, Turkey Hooper, Roll No. 26746.

Child produced and appears to be a full blood Indian of the age claimed.

Recommend that John Hooper, following the status of his mother, Alsie Frog, be enrolled as a minor Cherokee by blood.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....

as a citizen of

..... Nation.

Approved..... 190...

.....
Commissioner.

DEPARTMENT OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of John Hooper, born on the 10th day of February, 1905
[Here insert name of child]
Name of Father Burkey Hooper a citizen of the Cherokee Nation No. 26746.
Name of Mother Lizzie Sanders enrolled as Alsie Frog a citizen of the Cherokee Nation No. 25654
Tribal enrollment of father Cherokee by blood Tribal enrollment of mother Cherokee by blood.
Postoffice Stilwell, Oklahoma.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~ State of Oklahoma
Adair County District.
I, Lizzie Sanders nee Lizzie Frog, enrolled as Alsie Frog Roll No. 25654. on oath state that I am 20
years of age and a citizen by blood of the Cherokee Nation;
that I am the lawful wife of Lewis Sanders, who is a citizen, by
blood of the Cherokee Nation; that a male [Male or Female] child was
born to me on 10th day of February 1905.; that said child has been named
John Hooper and was living March 4, 1906 and is still living
with its mother, Lizzie Sanders her Lizzie X Sanders mark

WITNESSES TO MARK:
[Must be Two Witnesses] George Reed 1488 Newton St Washington DC.
R L Taylor Westville ok

Subscribed and sworn to before me this 11th day of November 1906
R. P. Harrison, Clerk
By [illegible] Deputy ~~Notary Public~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~ State of Oklahoma.
Adair County District.
I, Jennie Feather a midwife, on oath state that I
attended on Alsie Frog (Lizzie Sanders) nee Frog wife of Lewis Sanders
on the 10th day of February 1905. ; that there was born to her on said date a male [Male or Female]
child; that said child was living March 4, 1906, and is said to have been named John Hooper
and said child is now living Jennie X Feather her mark

WITNESSES TO MARK:
[Must be Two Witnesses] George Reed 1488 Newton St Washington DC.
R L Taylor Westville ok

Subscribed and sworn to before me this 11th day of November 1906.
R. P. Harrison, Clerk
By [illegible] Deputy ~~Notary Public~~

INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

Muskogee, Oklahoma, December 8, 1910.

Hon. W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith a copy of the testimony respecting the enrollment of John Hooper as a Cherokee citizen, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-21

Cher 11070

Jason Houston

Cher 11070

OF INDIAN AFFAIRS
JUL 24 1913

90635

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Hulbert, Oklahoma, November 16, 1910.

In the matter of the application for the enrollment as a Cherokee citizen of Jason Houston,, whose name appears on the Eastern Cherokee roll, but does not appear on the final roll of the Commissioner to the Five Civilized Tribes.

Testimony taken before George Reed,
Clerk to the Commissioner of
Indian Affairs.

Isaac Houston being first duly sworn, testified as follows, through Interpreter, United States Indian Policeman,, R. L. Taylor.

Q What is your name, age and postoffice address? A Isaac Houston, about 36 years; Hulbert, Oklahoma.
Q Are you an enrolled Cherokee citizen?
A Yes (Cherokee roll No. 21337)
Q What is your wife's name, and is she enrolled as a Cherokee citizen? A Annie Houston and enrolled (Cherokee No. 21338)
Q Have you any children enrolled as Cherokee citizens?
A Yes.
Q What are their names?
A Jesse (Cherokee roll No. 21339)
Nellie (Cherokee No. 30693)
Sallie (Cherokee No. 30694)
Q Have you any children not enrolled? A Yes, one boy.
Q What is his name? A Jason.
Q How old was Jason? When was he born?
A Eight years old; born July 27,, 1902.
Q Is that the child named Jason?(Indicating) A Yes.
Q Have you any bible or other book record of the date of Jason's birth? A No,, never kept any.
Q Who is the mother of Jason? A Annie Houston, my wife.
Q Were you married to her under Cherokee law? A Yes.
Q Who was present when Jason was born? A My mother,, Annie Houston.
Q Have you ever made application for the enrollment of your child Jason, heretofore? A No.
Q Why havn't you made application for Jason's enrollment?
A I was under the impression that Jason was enrolled,, but now find that my other son Jesse was enrolled instead by mistake and Jesse who was born February 23,, 1905, was enrolled instead of Jason.
Q Explain if you can how this mistake occurred. Jason,, you say was born July 27,, 1902 and that he was not enrolled,, whereas you say your younger son Jesse, who was born Feb. 23, 1905,, was enrolled instead of Jason?
A Yes, that's it. I don't know how it happened unless when I was enrolling Jason they mistook that name of Jesse when I was talking about the children.

Q Can you not in some manner, obtain some evidence that will be positive as to the dates of the births of these two boys, your sons, Jason and Jesse, particularly so, as it seems there has been a mistake in the names on the rolls?
A No, it is just as I tell you ; they must have been mistaken and understood me to say Jesse instead of Jason.

Note The children Jason and Jesse were present at the examination and appeared of the age and blood represented, and the father is very positive in his statement that he submitted the name of Jason for enrollment, yet I find that in accordance with the dates and the balance of the testimony, the application was made for Jason, but understood to be, and enrolled as Jesse.)

Witness excused.

Annie Houston, being first duly sworn, testfied as follows, through Interpreter R. L. Taylor.

Q What is your name, age and postoffice address?
A Annie Houston, about 70 years; Tahlequah, Oklahoma.
Q Are you a full blood Cherokee citizen? A Yes.
Q Are you enrolled? A Yes (Cherokee roll No. 18286)
Q Are you well acquainted with Annie Houston, wife of Isaac Houston? A Yes, she is my daughter-in-law.
Q Did you attend upon Annie Houston when her child Jason was born? A Yes.
Q How old is he? A About eight years old.
Q Do you know the month and year? A July 27, about 1902.
Q Was any doctor present? A No.
Q Is Jason Houston living with his mother? A Yes.
Q Have you any bible or book record of the date of the birth of Jason? A No.
Q Do you know Jesse Houston? A Yes.
Q Who are his father and mother? A Isaac Houston and Annie Houston.
Q Is he older or younger than Jason? A Younger.
Q How much younger? A About three years.
Q You say you have no record of the date of the births of these children? A No.
Q How do you arrive at these dates? A Just by my memory.. I know that's right; I was there when they was born.
Q Have you any other way of fixing the date? of the birth of these children by any circumstance or incident you can recall? A No, just remember it as it is.

Witness excused.

I, S. A. Mills, hereby certify that the above and foregoing is a true and correct copy of my long hand notes taken in the above entitled enrollment case, on November 16, 1910,, at Bartlett, Okla.

Subscribed and sworn to before me this __ day of December, 1910.

A. P. Harmon
Clerk of the United States Court for the Eastern District of Oklahoma.

By _____ Deputy.

23.

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MEMORANDUM.

Jason Houston, minor Cherokee full blood, born July 27, 1902, still living, produced at the hearing and appeared to be of the age and quantum of blood claimed.

Name of Jason Houston, appears on the Eastern Cherokee Roll No.14745 but not on the E. C. T. roll.

Father- Isaac Houston, P. O. Hulbert, Okla., Cherokee full blood Roll No. 21337.

Mother- Annie Houston, Cherokee full blood, Roll No. 21338.

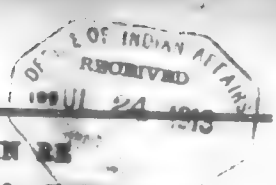
Witnesses, November 16, 1910, father, mother and Annie Houston midwife, and the mother of Annie Houston.

As to prior application the father testified: "I was under the impression that Jason was enrolled but now find that my other son Jesse was enrolled instead by mistake and Jesse who was born February 23, 1905, was enrolled instead of Jason".

The other son Jesse who was enrolled, was produced at the hearing in proof of the mistake made.

Birth affidavit filed.

Both parents being enrolled Cherokee citizens and the child having been born prior to March 4, 1906 and still living on that date, it is recommended that Jason Houston be enrolled as a minor full blood Cherokee.



IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Jason Houston

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

see Miller Roll

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Jason Houston, born on the 24 day of July 902
[Here insert name of child]

Name of Father: Isaac Houston a citizen of the Cherokee Nation No. 21337

Name of Mother Annie Houston a citizen of the Cherokee Nation No 21338

Tribal enrollment of father Cherfull No. 21337. Tribal enrollment of mother Cherfull No 21338

Postoffice Hulbert, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, [Indian Territory,] State of Oklahoma
Cherokee County, District.

I, Annie Houston, on oath state that I am 34 years of age and a citizen by Blood, of the Cherokee Nation No. 21338 that I am the lawful wife of Isaac Houston, who is a citizen, by Blood, of the Cherokee Nation, No. 21337 that a male [Male or Female] child was born to me on 24 day of July, 902; that said child has been named Jason Houston and was living March 4, 1906. And is still living and present with me to-day

her
Annie X Houston
mark

WITNESSES TO MARK:

[Must be Two Witnesses] George Reed # 1488 Newton St, Washington DC.
R L Taylor Westville ok.

Subscribed and sworn to before me this 16th day of November 1906

R. P. Harrison - clerk
By Williams deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, [Indian Territory,] State of Oklahoma
Cherokee County, District.

I, Annie Houston Cherfull 18286, a mid wife and on oath state that I attended on Annie Houston, wife of Isaac Houston, my son in law on the 24 day of July, about 4 years ago, I was present; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Jason Houston and is now living and present with the mother to-day

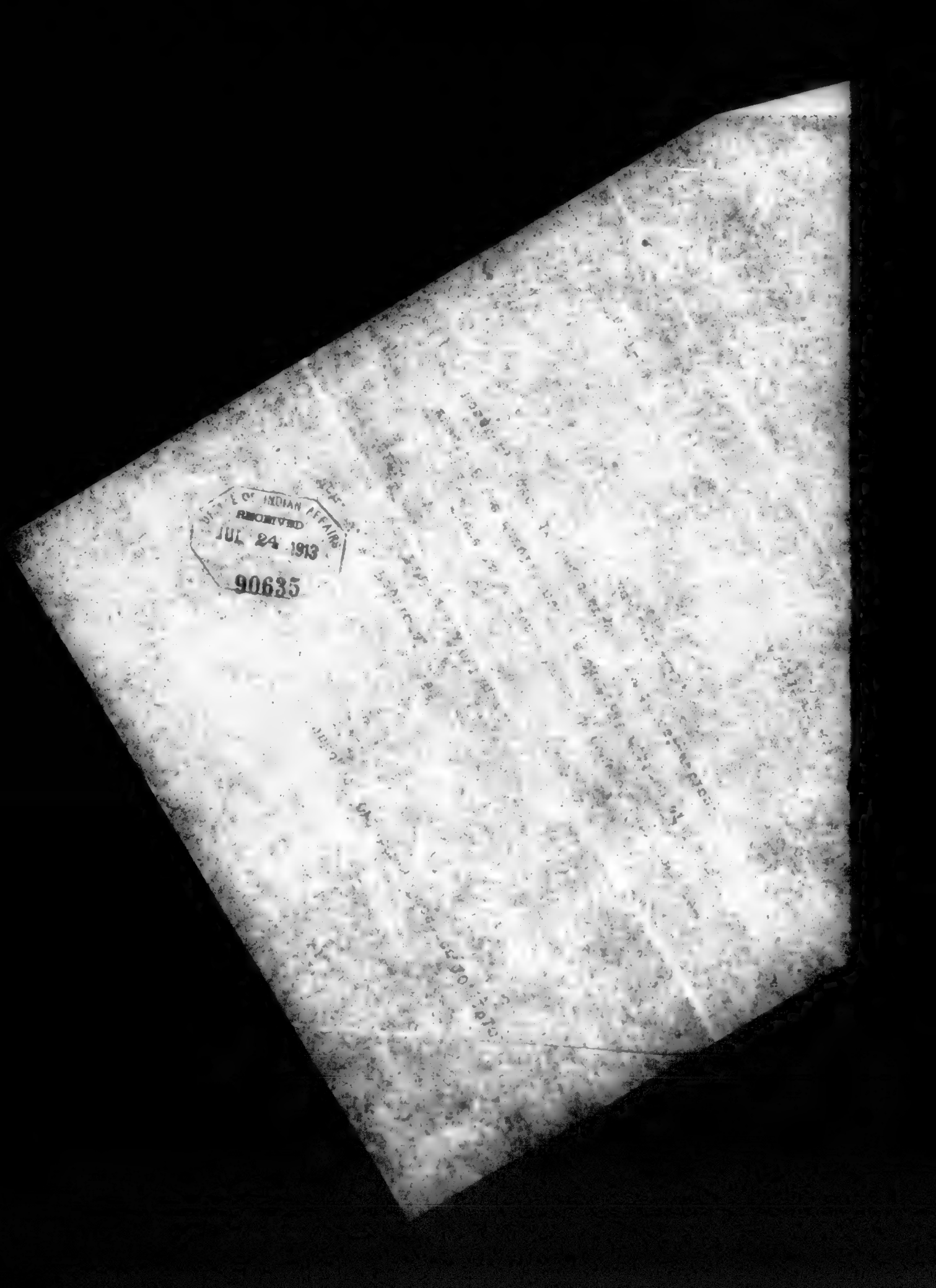
her
Annie X Houston
mark

WITNESSES TO MARK:

[Must be Two Witnesses] George Reed # 1488 Newton St Washington DC.
R L Taylor Westville ok

Subscribed and sworn to before me this 16th day of November 1906

R. P. Harrison clerk
By Williams, deputy Notary Public.


RECEIVED
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Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as a Cherokee citizen of Jason Houston, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-68

Cher 11071

Joe Johnson

Cher 11071

JUL 24 1913

90635

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Hulbert, Oklahoma,, Novem er 16, 1910.

In the matter of the application for the enrollment of Joe Johnson as a citizen of the Cherokee Nation,, whose name appears on the Eastern Cherokee roll, but does not appear upon the final roll of the Commissioner to the Five Civilized Tribes.

Testimony taken before George Reed,
Clerk of the Commissioner of
Indian Affairs.

John Johnson being first duly sworn testified as follows, through United States Indian Policeman,, R. L. Taylor,. Interpreter.

Q What is your name, age and postoffice address?
A John Johnson, about 45 years;. Hulbert, Oklahoma.
Q Are you enrolled as a Cherokee citizen?
A Yes, full blood (Cherokee roll No. 21312.
Q Have you any children enrolled as Cherokee citizens?
A Yes, Darkey Johnson(Cherokee roll No. 21314)
Arley Johnson (Cherokee roll No. 32351)
Peggie Johnson(Cherokee roll No. 21316)
Redbird Johnson (Cherokee roll No. 32352)
Ella Johnson (Cherokee roll No. 21315)
Q Have you any children not enrolled?
A Yes, one boy.
Q What is his name? A Joe.
Q What is his mother's name? A Lucy Johnson.
Q How old is Joe Johnson? A Six years next April.
Q What year was he born in? A 1905, April 1.
Q Have you a bible or book record of the date of the birth of your son Joe Johnson? A yes, in Cherokee.
Q Please let me see the record you speak of.
A Here it is (Witness submits note book wherein it is shown written in Cherokee, among many others, the following:

purporting to be the record of the date of the birth of the child Joe Johnson.
Q Who was present when Joe was born? A Annie Houston; she tended on my wife when Joe was born.
Q Did you have any doctor? A No.
Q Have you heretofore made application for the enrollment of Joe? A No.
Q Why have you never applied for the enrollment of Joe before today? A I thought it was too late.
Q Did you ever receive any notice of the enrollment of your other children A No.
Q Who is Joe Johnson, your son, living with now? A With me.

Note The child was present and had every appearance of being of the blood and age claimed.

Witness excused

2-Joe Johnson.

Annie Houston being first duly sworn testified as follows, through Interpreter Taylor.

Q What is your name, age and postoffice address?
A Annie Houston, About 70; Tahlequah, Oklahoma.
Q Have you been enrolled as a Cherokee citizen? A Yes., full blood (Cherokee roll No. 18286)
Q Do you know Lucy Johnson? A Yes.
Q Did you wait on her when a son was born to her? A Yes.
Q What was his name? A Joe Johnson.
Q When was he born? A About six years ago.
Q Is that the child Joe standing there (indicating) A Yes.
Q Have you a record of the date of the birth of this child Joe?
A No, I don't keep any record; just remember it.
Q Who is the father of Joe? A John Johnson.
Q Is he a full blood Cherokee citizen? A Yes.
Q Can you in any way make the date more positive as to the date of thebirth of Joe? A No.
Witness excused.

I, S. A. Mills, hereby certify that the above and foregoing is a true and correct copy of my long hand notes taken in the above entitled enrollment case on the 16th day of November, 1910 At Hulbert, Oklahoma.

S A Mills

Subscribed and sworn to before me this 9 day of December, 1910.

R. P. Harmon
Clerk of the United States Court for
the Eastern District of Oklahoma

By J W Seymour Deputy.

24.

JUL 24 1913
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MEMORANDUM.

Joe Johnson, minor full blood Cherokee, born April 1, 1905, Nov 16 1910 still living, produced at the hearing and appears to be of the age and quantum of blood claimed.

The name Joe Johnson, appears on Eastern Cherokee Roll No. 15456 but not on F. C. T. roll.

Father- John Johnson, P. O. Hulbert, Okla., full blood Cherokee Roll No. 21312.

Mother- Lucy Johnson- Cherokee full blood, Roll No. 21313.

Witnesses November 16, 1910, father, mother and midwife, named Annie Houston of Tahlequah, Okla.

Father made no prior application because "I thought it was too late."

Birth affidavit filed with testimony given.

Both parents being enrolled full blood Cherokees and the child having been born prior to and living on March 4, 1906 it is recommended that Joe Johnson be enrolled as a minor full blood Cherokee.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Ida Johnson

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

See Miller Roll

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF INDIAN AFFAIRS RECEIVED OCT 21 1913 90635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Joe Johnson [Here insert name of child], born on the 1st day of April 1905.

Name of Father: John Johnson, a citizen of the Cherokee Nation No. 21312

Name of Mother Suey Johnson, a citizen of the Cherokee Nation No. 21313

Tribal enrollment of father Cherokee Roll No. 21312. Tribal enrollment of mother Cherokee Roll No. 21313.

Postoffice Hulbert, Oklahoma.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma.

Cherokee County District.

I, Suey Johnson, on oath state that I am about 40 years of age and a citizen by blood of the Cherokee Nation No. 21313; that I am the lawful wife of John Johnson, who is a citizen, by blood, of the Cherokee Nation No. 21312; that a male [Male or Female] child was born to me on 1st day of April 1905; that said child has been named Joe Johnson and was living March 4, 1906, is now living and present with me.

Suey X Johnson
her
mark

WITNESSES TO MARK:

[Must be Two Witnesses] George Read 1488 Newton St, Washington DC
R L Taylor Westville ok

Subscribed and sworn to before me this 16th day of November 1906

R. P. Harrison - Clerk
By Ellis. Deputy
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma

Cherokee County District.

I, Annie Houston Cherokee 18286, a midwife, on oath state that I attended on Suey Johnson, wife of John Johnson on the 1st day of April about 8 years ago, 1906, that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Joe Johnson and said child is living and present with its mother Suey Johnson

Annie X Houston
her
mark

WITNESSES TO MARK:

[Must be Two Witnesses] George Read 1488 Newton St, Washington DC
R L Taylor Westville ok

Subscribed and sworn to before me this 16th day of November 1906

R. P. Harrison - Clerk
By Ellis. Deputy
Notary Public.

JUL 24 1913
90635

Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as a Cherokee citizen of Joe Johnson, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-677

Cher 11072

Wilda Johnson

Cher 11072

OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Tahlequah, Oklahoma,, November 17, 1910.

In the matter of the application for the enrollment as Cherokee citizens of the Cherokee Nation of Wilda and Polly Waterfallen, whose names appear on the Eastern Cherokee roll, but do not appear on the final roll of the Commissioner to the Five Civilized Tribes.

Testimony taken before George Reed,
Clerk of the Commissioner of
Indian Affairs.

Mike Waterfalling being first duly sworn, testified as follows, through United States Indian Policeman R. L. Taylor, Interpreter.

Q What is your name, age and postoffice address?
A I am enrolled as Mike Waterfalling (Cherokee No.18484), about 28 years old; Gideon postoffice.
Q Are you an enrolled Cherokee citizen? A Yes, full blood.
Note It appears from the statements and explanations made by the witness that while, his real name is spelled Waterfallen, he was enrolled by the Commission as Waterfalling.
Q Who is your wife? A Lucy Waterfallen, enrolled as Lucy Arnold (No.16186)
Q Have you any children enrolled? A No
Q Have you any not enrolled? A Yes.
Q What are their names and ages? A Wilda and Polly.
Q When was Wilda born? A July 18, 1903.
Q When was Polly born? A September 6, 1905.
Q Have you any bible or other record showing the dates of their births? A Yes.
Here witness shows a small book with entries, among others, the following words:
"Wilda, July 18, 1903" and immediately thereafter "Polly, Sept. 6, 1905"
Q When were the entries made in the original entry book?
A I put them down there when it occurred.
Q Why didn't you bring the original book instead of this copy.
A Because I didn't think it was necessary and I thought a copy would do.
Q Have you ever applied for the enrollment of Wilda and Polly, your children, heretofore, to the Dawes Commission?
A I went to Muskogee to the Commission, and they told me after awhile I could make application.
Q When was this? A About a month ago.
Q Was any doctor present when these children were born?
A No, my mother, Wilda Waterfallen waited on my wife.
Q How does it come that your name appears on the roll spelled Waterfalling, whereas, the names of your family are spelled Waterfallen?

A A I don't know unless when my father gave my name in, he couldn't read and write and the Commission spelled the name for him.

Witness excused.

Note. The children were present and appeared to be of the age and blood claimed.

Wilda Waterfallen being first duly sworn testified as follows, through United States Interpreter R. L. Tayler:

Q What is your name, age and postoffice address?
A Wilda Waterfallen; 44, Pegga, Oklahoma.
Q Is Lucy Waterfallen, enrolled as Lucy Arnold, your daughter?
A Yes.
Q Did you wait upon her during the time of her sickness when her two children Wilda and Polly were born? A When Wilda was born, and when Polly was born too.
Q When was Wilda born? A July 18, 1903.
Q Was any doctor present? A No.
Q Did you enter the date of the birth of Wilda in any book?
A No.
Q How old is Polly? A Five year old.
Q What day and month was she born? A September 6, 1908.
Q Was any doctor present when Polly was born? A No doctor.
Q Did you enter the date of the birth of Polly in any book?
A No.
Q How do you remember the dates so positively of the births of these two children? A Mike he put them down in a book.
Q Are these two children here present Wilda and Polly (indicating the children) A Yes.
Q Who are the children living with at the present time; you or their father and mother? A With their mother.

Witness excused.

I, S. A. Mills, hereby certify that the above and foregoing is a true and correct copy of my long hand notes taken in the above entitled cause, at Tahlequah, Oklahoma, on November 19, 1910.

S. A. Mills

Subscribed and sworn to before me this 9 day of December, 1910

R. P. Harrison
Clerk of the United States Court for the Eastern District of Oklahoma,

By D. N. Brown Deputy.

(COPY)

Department of the Interior.
Commission to the Five Civilized Tribes.
December 10, 1910.

In Re Application for Enrollment as citizens of the Cherokee Nation of Wilda and Polly Johnson, as shown upon the Eastern Cherokee Roll opposite Roll numbers 15513 and 15514, and not shown to be upon the Final Roll of the Five Civilized Tribes.

Mike Johnson, being first duly sworn, testified through Thomas F. Roach, interpreter, as follows:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q State your name, age and post-office address? A Mike Johnson, age twenty-eight years; post-office Gideon, Okla.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #18484).
Q What is your wife's name? A Lucy
Q Is she an enrolled Cherokee citizen? A Yes. (Cherokee Roll # 16168).
Q You state that your name is Mike Johnson, and that you are enrolled as a Cherokee citizen, and that you are enrolled opposite No. 18484 on the Final Rolls of the Cherokee Nation of the Five Civilized Tribes, where I note that the name opposite No. 18484 is Mike Waterfalling,- please explain to me how it occurs that you are enrolled as Mike Waterfalling, if you know? A Because Waterfalling was my step-father and he raised me. My right name is Mike Johnson; my step-father enrolled as Mike Waterfalling on the Final Rolls of the Five Civilized Tribes.
Q What was you father's name? A Blue Johnson. (Cherokee Roll 18815).
Q In what name did you make application for a share of the Emigrant fund on the Eastern Cherokee Roll? A Mike Johnson, and I also applied for my wife, Lucy, and our children, Wilda and Polly.
Q Are your children, Wilda and Polly, enrolled as Cherokee citizens upon the Final Rolls of the Five Civilized Tribes?
A No.
Q Have you ever made application for their enrollment?
Q Have you ever made application for their enrollment?
A Yes; on November 17, this year, in Tahlequah. Mr. George Reed, a representative of the Commissioner, took my application.
Q At that time under what name did you make application for Wilda and Polly? A Wilda and Polly Waterfalling.
Q Then, in the application that you now refer to, your application was under the name of Mike Waterfalling, (Cherokee Roll #18484), and your wife as Lucy Waterfalling, (Cherokee Roll #16186), and the children's names were given as Wilda and Polly Waterfalling? A Yes.
Q Were the answers made by you and your wife, Lucy, to the questions propounded to you by Mr. Reed covering the date of birth and history of your family proper answers, with the exception as to the mistake in the name?--where the name Waterfalling was used instead of Johnson? A Yes; I gave him the whole history of our family there.
Q Then, the names of Wilda and Polly Waterfalling as shown in your application under date of November 17, 1910, should

read as to surname of said children and their parents, yourself and your wife, to be Johnson instead of Waterfalling, and the remainder of the names as to Waterfalling and--the error in the names as to Waterfalling and Johnson occured at the time when your step-father, Waterfalling, gave in your name for enrollment? A Yes; but I want my children enrolled as Wilda and Polly Johnson, for that is their right name.

Q Can you now, at this time, add any further infommation than has already been given as you states to Mr. Reed in the matter of the identification of these children and their ages? A No. I have told everything I know.

James Waterfallen, being first duly sworn, testified as follows:

Q What is your name, age and post-offive address? A James Waterfallen; forty-four years old; Peggs, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #25970).
Q Do you know Mike Johnson? A Yes, sir.
Q Is he an enrolled Cherokee citizen? A Yes.
Q Is Mike Johnson sometimes known by any other name?
A Yes; by Mike Waterfalling.
Q Please state to me, if you know, how it occurs that he is known by two names, namely, Mike Johnson and Mike Waterfalling? A He is my father's step-son, and my father's name was Waterfallen. His right name is Mike Johnson.
Q Then at the time of the enrollment this Mike Johnson was a step-son of your father's and was living with him and was being raised by your father? A Yes, sir.
Q Then you are a step-brother of Mike Johnson? A Yes, sir, we have been raised together.
Q What is the name of the wife of Mike Johnson? A Lucy.
Q What children have they, if any? A They have two, one named Wilda and one named Polly.
Q How old is Wilda? A She is seven years old.
Q When was Wilda born, id you know? A I think she was born in July, 1903.
Q How old is Polly, if you know? A She is five years old, last September.
Q Do you know of any written record as to the dates of the birth of these children?
A The mother said she had one at home, and I had Mike go after it last night. (Here witness submits a leaf froma tablet, which shows the following entries:"Wilda Johnson, born July 18, 1903; Polly Johnson, born September 6, 1905).
Q Do you think that is the correct dates of the birth of Wilda and Polly? A Yes, sir.
Q Have you ever heard these children called by another name other than Wilda and Polly Johnson? A Sometimes they are known by both names, Johnson and Waterfalling.
Q Was this record of the dates of the birth of these children written by the mother? A Yes.
Q The proper name of this family, which is sometimes called Johnson and sometimes called Waterfalling, is Johnson and should have been enrolled as Johnson? A Yes, sir.

W. H. Byrd, being first duly sworn, states that the above

and foregoing is a true and correct transcript of his stenographic notes taken in said case.

W. H. Byrd

Subscribed and sworn to before me on this the 3rd day of December, 1918.
January, 1

(SEAL)

R. P. Harrison

By P. A. Harrison,
Deputy.

Cher. J. 121

MEMORANDUM.

Wilda Johnson, also called Wilda Waterfalling, born July 18, 1903, still living, on Eastern Cherokee roll No. 15513, not on Five Civilized Tribes rolls.

Polly Johnson, also called Polly Waterfalling, born September 6, 1905, on Eastern Cherokee roll No. 15514, not on Five Civilized Tribes rolls.

Father, Mike Johnson, P. O. Gideon, Oklahoma, enrolled by his stepfather as Mike Waterfalling, Cherokee roll No. 18484-full blood. His stepfather named Waterfalling had him enrolled as a Waterfalling while his father's name is Blue Johnson who is enrolled Cher. roll No. 18815 full blood. It is insisted that Wilda and Polly be enrolled as Johnson and not Waterfalling as is the father.

Mother, Lucy Johnson enrolled as Lucy Arnold, Cherokee roll No. 16186, Cherokee full blood.

Recommended that Wilda Johnson and Polly Johnson be enrolled as minor Cherokee full bloods.

39.

JUL 24 1913
90635

MEMORANDUM.

Wilda Waterfalling, minor full blood Cherokee, born July 18, 1903.

Polly Waterfalling, minor full blood Cherokee, born Sept. 6, 1905.

Wilda and Polly Waterfalling produced at the hearing and appeared to be of the age and quantum of blood claimed.

Father, Mike Waterfalling, Cherokee full blood, Roll No.18484.

Mother, Lucy Waterfalling, enrolled as Lucy Arnold, Cherokee full blood, Roll No. 16186.

Witnesses, Nov. 17, 1910- Father, mother and grandmother, mother of father.

Father applied about a month ago. "I went to Muskogee to the Commission and they told me after while I could make application". Wilda Waterfalling the mother of Lucy Waterfalling was present at the birth of both children and testifies to the correctness of the dates of birth.

Parents being both enrolled citizens and the children having been born prior to March 4, 1906 and living on that date it is recommended that Wilda Waterfalling and Polly Waterfalling be enrolled as minor full blood Cherokees.

New Card

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

RECEIVED JUL 24 1913 0635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Wilda Waterfallen, born on the 18 day of July 1903
[Here insert name of child]

Name of Father: Mike Waterfalling a citizen of the Cherokee Nation. 18484

Name of Mother: Suey Waterfallen a citizen of the Cherokee Nation. 16186.

Tribal enrollment of father Cher. full bd. 18484. Tribal enrollment of mother Cher. full bd. No. 16186.

Postoffice. Gideon, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma

Cherokee County. District. Suey enrolled as Cher. full bd No. 16186

I, Suey Waterfallen enrolled as, on oath state that I am 26 years of age and a citizen by blood, of the Cherokee Nation No. 16186 that I am the lawful wife of Mike Waterfalling a Waterfallen, who is a citizen, by No. 18484 blood, of the Cherokee Nation; that a female child was born to me on 18th day of July 1903; that said child has been named [Male or Female]

Wilda Waterfallen and was living March 4, 1906, and is still living and present with me.

Suey Waterfallen

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 17th day of November 1910

R. P. Wamsley Clerk
By E. Ellis Deputy

~~Notary Public.~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma

Cherokee County. District. enrolled as Wilda Johnson No. 18816 mother of Suey Waterfallen

I, Wilda Johnson Waterfallen, a mid-wife and, on oath state that I attended on Suey Waterfallen wife of Mike Waterfalling on the 18th day of July 1903; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Wilda Waterfallen and said child is living and present with its mother.

her
Wilda Johnson Waterfallen
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Newton St. Washington D.C.
R. L. Taylor Washington D.C.

Subscribed and sworn to before me this 17th day of November 1910

R. P. Wamsley Clerk
By E. Ellis Deputy

~~Notary Public.~~

new case

BIRTH AFFIDAVIT. 199

RECEIVED JUL 24 1913 90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Polly Waterfallen born on the 6 day of Sept 905
(Here insert name of child)

Name of Father: Mike Waterfalling a citizen of the Cherokee Nation No. 18484

Name of Mother Lucy Waterfallen a citizen of the Cherokee Nation No. 16186

Tribal enrollment of father Cher. full bd. 18484 Tribal enrollment of mother Cher. full bd. 16186

Postoffice Gideon, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma

Cherokee County. District. Lucy Arnold No. 16186

I, Lucy Waterfallen nee Arnold age, on oath state that I am 26 years of age and a citizen by blood, of the Cherokee Nation No. 16186 that I am the lawful wife of Mike Waterfalling or Waterfallen, who is a citizen, by blood, of the Cherokee Nation; that a female child was born to me on 6th day of September 1905; that said child has been named Polly Waterfallen and was living March 4, 1906, and is still living and is present with me to-day. Lucy Waterfallen.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 18th day of November 1913

R. P. Harrison. Clerk
By A. Ellis. Deputy Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma

Cherokee County. District. as Wilda Johnson No. 18816.

I, Wilda Johnson Waterfallen nee Johnson, a midwife and not a physician on oath state that I attended on Lucy Waterfallen wife of Lucy Waterfallen of Mike Waterfalling on the 6th day of September 1905; that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Polly Waterfallen and is still living and present with its mother, to-day.

Wilda Johnson nee Waterfallen
her mark

WITNESSES TO MARK:

[Must be Two Witnesses] Rose Road #1488 Newton St. Washington D.C.
R. L. Taylor Wentville Ok.

Subscribed and sworn to before me this 18th day of November 1913

R. P. Harrison Clerk
By A. Ellis. Deputy Notary Public.

Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as Cherokee citizens of Wilda and Polly Waterfallen, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-52

Cher 11073

Coleman Keener

Cher 11073

OF INDIAN AFFAIRS
RECEIVED
9063 1913

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Hulbert, Okla., November 17, 1910.

In the matter of the application for the enrollment as a citizen of the Cherokee Nation, Coleman Keener, whose name appears on the Eastern Cherokee Roll, but does not appear upon the final roll of the Commissioner to the Five Civilized Tribes.

Testimony taken before George Reed,
Clerk of the Commissioner of
Indian Affairs.

Charles Keener being first duly sworn testified as follows, through United States Indian Policeman, R. L. Taylor, Interpreter:

Q What is your name, age and postoffice address?
A Charles Keener; about 42 years old, Hulbert, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes, full blood (Cherokee roll No. 21271)
Q Who is your wife? A Lucinda Keener.
Q Is she an enrolled Cherokee citizen?
A She was; she is dead (Cherokee roll No. 21272)
Q Have you any children who are enrolled? A Yes.
Q What are their names?
A Lula (21273)
Louisa Turner, step-child (21274)
Austin (21275
Walter (21276)
Rufus (21277)
Alsie (21278)
Q Have you any children not enrolled? A Yes, a boy.
Q What is his name? A Coleman.
Q Who is Coleman's mother? A Lucinda.
Q How old is Coleman? A Five years past.
Q When was Coleman born? A Past 5 years old; born January 26, 1905.
Q Have you heretofore made application for his enrollment?
A I sent word to the Dawes Commission and they sent back word they would notify me when the time come.
Q Who was present when Coleman was born?
A Katie Beaver (Cherokee roll No. 26181)
Q Was there any doctor? A No.
Q Have you a bible or record book of the date of the birth of Coleman? A No.
Q How do you remember the date? A Just remember it.
Q Isn't there any way you can fix the date more accurately than just by question of memory? A No, I know it; we talk about it.
Q Who is this child living with now? A With me.

Witness excused.

Note The child was present and appeared to be of the blood and age claimed for him.

Katie Beaver being first duly sworn testified as follows,, throggh Interpreter R. L. Taylor.

Q What is your name, age and postoffice?
A Katie Beaver; about 41 years; Peggs postoffice.
Q Are you an enrolled Cherokee citizen?
A Yes, full blood (Cherokee roll No. 26181)
Q Were you well acquainted with Lucinda Keener, deceased wife of Charles Keener? A Yes.
Q When did she die? A Two years last October.
Q Was there born to her a child named Coleman Keener? A Yes.
Q Is that the child there (indicating) A Yes.
Q How old is that child? A Five years past.
Q Were you present when he was born? A Yes.
Q Give me that day month and year the child was born?
A January 26, 1905.
Q Did you enter the date of his birth in any bible or book when it occurred? A Yes, but I forgot to bring it.
Q Did you look at the entry before you came here? A Yes, and I remember it well too.
Q Was any doctor present? at the birth of Coleman Keener?
A No.

Witness excused.

S. A. Mills being first duly sworn states that the above and foregoing is a true and correct copy of his long hand notes taken in the above entitled enrollment case at Hulbert, Oklahoma, on November 17, 1910.

S A Mills

Subscribed and sworn to before me this 9 day of December, 1910

Clerk of the United States Court for the Eastern District of Oklahoma.

By D R Bynum Deputy.

29.

JUL 24 1913
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MEMORANDUM.

Coleman Keener, minor Cherokee full blood, born January 26, 1905, still living, produced at the hearing and appeared to be of the age and quantum of blood claimed.

The name Coleman Keeneer appears on the Eastern Cherokee roll, No. 15902 but not on E. C. T. roll.

Father, Charles Keener, P. O. Hulbert, Okla., Cherokee full blood, Roll No. 21271

Mother, Lucinda Keener, deceased, Cherokee full blood, Roll No. 21272.

Witnesses Nov. 17, 1910, father and Katie Beaver, of Peggs, Okla. cousin to Lucinda Keener, the deceased mother on whom she attended at the birth of Coleman Keener.

Birth affidavit filed.

Both parents being enrolled full blood Cherokees, and the child having been born prior to March 4, 1906 and living on that date, it is recommended that Coleman Keener be enrolled as a minor full blood Cherokee.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Coleman Keener

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

per Miller Roll.

BIRTH AFFIDAVIT. 199

OF INDIAN AFFAIRS
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DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Coleman Keener (Here insert name of child) born on the 26 day of January, 1905.
Name of Father: Charles Keener a citizen of the Cherokee Nation No. 21291
Name of Mother Lucinda Keener (dec'd) a citizen of the Cherokee Nation No. 21292
Tribal enrollment of father Cher. full bld. No. 21291 Tribal enrollment of mother Cher. full bld. No. 21292.
Postoffice Hulbert, Oklahoma.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma.
Cherokee County District. }

I, Charles Keener Cher. full blood on oath state that I am about 44 years of age and a citizen by blood of the Cherokee Nation No. 21291 that I am the lawful husband wife of Lucinda Keener (husband deceased) who was a citizen, by blood of the Cherokee Nation No. 21292; that a male child was born to her on the 26th day of January, 1905; that said child has been named Coleman Keener and was living March 4, 1906 and is still living and present with me to-day

Charles Keener

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 17th day of November 1906

R. P. Vernon Clerk
by Ellis Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma.
Cherokee County District. }

I, Katie Beaver a Cher. full blood No. 26181 a woman to Lucinda Keener on oath state that I attended on Lucinda Keener (husband deceased) wife of Charles Keener on the 26th day of January, 1905; that there was born to her on said date a male child; that said child was living March 4, 1906, and is said to have been named Coleman Keener and said child is present with its mother to-day

Katie Beaver

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 17th day of November 1906

R. P. Vernon Clerk
by Ellis Deputy Notary Public.

OFFICE OF INDIAN AFFAIRS
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Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as a Cherokee citizen of Coleman Keener, taken in the course of my investigation.

Respectfully,

Assistant Attorney

Enc.L-62.

Cher 11074
Lucy Keener

Cher 11074

RECEIVED
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DEPARTMENT OF THE INTERIOR.

Muskogee, Oklahoma, January 19th, 1911.

------oOo------

In the matter of the application for the enrollment of Lucy Keener as a Minor Cherokee by blood.

Testimony taken by W. C. Pollock, Assistant Attorney, Interior Department, about nine miles north of Hulbert, Oklahoma, November 22nd, 1910.

Johnson Keener, being first duly sworn, testified as follows, through George Butler, Interpreter.

By Mr. Pollock:

Q What is your name? A Johnson Keener.
Q How old are you? A Twenty-eight.
Q What is your post office? A Hulbert.
Q Have you any children on the roll? A I guess not.
Q Have you any children that are not on the roll? A Only one I guess that's big enough to come in on the roll.
Q What is this girl's name(pointing to girlin the room)?
A Lucy.
Q How old is Lucy? A Five years old, going on six.
Q Do you know what day she was born? A September 24.
Q What year? A 1905.
Q She was five years old last September? A Yes.
Q Did you make any record in any book when she was born? A No.
Q Who was with your wife when Lucy was born? A Sarah Welch was to be here today but she didn't come. She was the one that tended on it.
Q Johnson are you a full blood Cherokee? A Yes.
Q Do you know what your roll number is? A No.
Q Have you any paper here showing what it is? A No, never did get no paper.
Q Did you get your deed yet? A No, never got none of it.
Q What is your wife's name? A Sarah Keener.

Witness excused.

Sarah Keener, sworn and examined as a witness, testified as follows, through George Butler, interpreter.

Q What is your name? A Sarah.
Q Are you the wife of Johnson Keener? A Yes.
Q Are you a full blood Cherokee? A Yes.
Q Have you any child not on the rolls? A I don't know whether it is enrolled or not.
Q Is this girl that just went out of the door your girl? A Yes.
Q What is her name? A Lucy.

Q How old is Lucy? A Five.
Q When was she five years old? A Last September, the 24th.
Q Who was with you when Lucy was born? A Sarah Welch.
Q Have you any other children? A No, just two, the girl and the boy.
Q How old is the boy? A Two.
Q When was he two years old? A 31st of December.
Q Was he two years old last December or will he be two next?
A Be three next December.
Q Do you know if you are on the Cherokee roll? A I don't know.
Q Have you any land? A I don't know.

Witness excused.

Johnson Keener recalled.

Q Johnson what was your father's name? A Joe Welch Keener. He died in 1902.
Q What was your mother's name? A Betsie Keener.
Q Is she living? A Yes, that's her sitting right out there.
Q Have you any brothers? A Two of my brothers out there.
Q What are their names? A Charlie and William, and another one Tom, and Jack Keener.
Q When were you and Sarah married? A 1903.
Q Was Lucy the first child? A Yes.

Witness excused.

Sarah Keener recalled:

Q What was your father's name? A Tom Sequoyah.
Q What was your mother's name? A Lydia.
Q When were you and Johnson married? A I don't know exactly.

Witness excused.

Betsie Keener, sworn and examined as a witness, testified as follows, through George Butler, interpreter.

Q What is your name? A Betsie Keener. 1859
Q How old are you? A About sixty.
Q Are Johnson Keener and William Keener your boys? A Yes sir.
Q When was Johnson and Sarah married? A Something over five years; about six years ago I guess.
Q What is the name of their first child? A Lucy.
Q How old is Lucy? A Five.
Q Do you know when she was five? A I couldn't hardly recollect what month but it's going on six years old.
Q When was William married? A Been a good while.
Q How many children has William? A They got two living and two dead. 1867
Q What is the name of William's wife? A Lizzie. 1868
Q Is that this woman here (indicating)? A Yes.
Q What is the name of their eldest child? A Sampson.
Q How old is he? A I don't recollect.

Q What is the name of the next child? A The second one is dead; must have been about five years old when she died.
Q What was that child's name? A Soldier was the way the Indians call it. I don't know the English name.
Q Have you any land? A I guess right at the home place I got some.

Witness excused.

William Keener, sworn and examined, testified as follows, through George Butler, interpreter.

Q What is your name? A William Keener.
Q How old are you? A About thirty.
Q What is your post office? A Hulbert.
Q Are you a full blood Cherokee? A Yes sir.
Q What was your father's name? A Joe Welch Keener.
Q What was your mother's name? A Betsie.
Q Have you any children on the roll? A I don't know.
Q What is your oldest child's name? A Sampson.
Q How old is Sampson? A About eight years old.
Q What is his birthday? A I think it is in October.
Q Who was with your wife when Sampson was born? A Jennie Bigfeather.
Q Is she living now? A Yes.
Q Where does she live? A About two mileswest of here.
Q She isn't here today? A No.
Q What was your next child's name? A Gussie.
Q Was it a girl or boy? A Boy.
Q He is not living now? A No.
Q When did he die? A I couldn't hardly say how long he's been dead. He would have been seven if he had been living.
Q You can't tell how long ago he died? A No.
Q How old was he when he died? A He wasn't a year old when he died.
Q What was the next child's name? A His name was Andrew.
Q Is Andrew living? A No, he's dead.
Q How old would he have been now if he had lived? A He would be five if he was living.
Q How old was he when he died? A About three years old when he died.
Q What is your wife,s name? A Lizzie.
Q When were you married? A As near as I can recollect it is about eleven years.
Q Is this your other child (pointing to child in the room) ?
A Yes.
Q How old? A A year and three months.
Q Have you any land? A I don't know.
Q Never got any deed for any land? A No.

Witness excused.

Lizzie Keener, sworn and examined, testified as follows, through George Butler, interpreter:

Q What is your name? A Lizzie Keener.

Q Are you the wife of William Keener? A Yes.
Q Are you a full blood Cherokee? A Yes.
Q When were you and William married? A Eleven years.
Q What was your first child's name? A Sampson.
Q Is this he (pointing to boy)? A Yes.
Q How old is Sampson? A Eight.
Q Do you know whether he is on the roll or not? A I don't know.
Q What is your next child's name? A Gussie.
Q Gussie is dead now? A Yes.
Q How old would he be if he were living now? A Would have been seven if he was living now.
Q How old was he when he died? A Just about a week old when he died.
Q Was he born in 1903? A Yes.
Q What part of the year? A 15th of February.
Q What is the next child's name? A Andrew.
Q Andrew is dead too? A Yes.
Q How old would Andrew be if he were living? A He would have been five if he was living.
Q What month? A 29th of last August.
Q How old was he when he died? A Three years old; right at three when it died.
Q Is this your other child (pointing to child) ? A Yes.
Q How old? A A year and three months old.
Q Have you any land? A I don't know.
Q Who was with you when Sampson was born? A Tom Keener's wife and Jennie Bigfeather and this old lady here (Keener's mother).
Q Who was with you when your second child was born? A Jennie Bigfeather.
Q Who was with you when Gussie was born? A The same--Jennie Bigfeather.
Q Where does Jennie Bigfeather live? A Close to John Bigfeather, on this side.

Sampson and Lucy are present at this time and appear to be about the age given by their parents.

Q Lizzie, who was your father and mother? A Osie Hair was my father, and mother was Sallie.

Witness excused.

William Keener recalled.

Q William, why didn't you make application for Sampson to be put on the roll? A I don't know.
Q Did you know when they were making up the roll of children? A Yes.
Q Didn't you want him put on the roll? A We couldn't enroll him right then.
Q Did you want the Cherokee land divided up into allotments?
A Well, kinda hard to explain that; didn't care whether it was or not.

Witness excused.

Lucy Keener, et al ----------)

Albert G. McMillan, being first duly sworn, states that he reported the proceedings had in the above entitled cause and that the foregoing is a true and correct transcript of his stenographic notes.

Albert G. McMillan

Subscribed and sworn to before me this 20th day of January, 1911.

Edward Monck

Notary Public.

OF INDIAN AFFAIRS
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Cher. J. 170

MEMORANDUM.

Lucy Keener, Cherokee full blood minor, born Sept. 24, 1905, Living March 4, 1906 and is still living with her parents nine miles north of Hulbert, Okla.

Child produced at hearing on Nov. 22, 1910, and appeared to be of the age and blood claimed.

Mother, Sarah Keener, Cher. full blood, Roll No.21426.

Father-Johnson Keener, P.O. Hulbert, Okla. Cher. full blood Roll No. 21427.

Witnesses, Father, Mother and Betsie Keener, the grandmother and mother of Johnson Keener.

No previous application- belong to Night Hauk faction.

Sampson Keener, Cher. full blood minor, born Oct. 1903, living March 4, 1906 and is still living with its parents about nine miles north of Hulbert- child produced at the hearing and appeared to be of the age and blood claimed.

Father- William Keener, P. O. Hulbert, Okla. Cher. full blood, No. 18467.

Mother Lizzie Keener, Cher. full blood No. 18468.

No previous application made, reason assigned by Father "I dont know- we couldn't enroll him right then". Parents are Night Hawks.

Recommended that Lucy Keener and Sampson Keener be enrolled as full blood minor Cherokees.

Cher 11075

Sampson Keener

Record in this case is with jacket # 11074

Cher 11075

Cher 11076
Andrew Ketcher

Cher 11076

#9416

[illegible] OF THE [illegible]
[illegible] MISSION TO THE FIVE CIVILIZED T[illegible]

FILED
JUL 22 1902

[illegible] Agent

Department of the Interior,
Commission to the Five Civilized Tribes,
Pegas, I.T., June 23, 1902.

In the matter of the application of Andrew Ketcher for enrollment as a citizen by blood of the Cherokee Nation.

Charley Henson, appearing before the Commission and being duly sworn and examined, testified as follows:

Q What is your name? A Charley Henson.
Q What is your age? A 32.
Q What is your postoffice address? A Melvin.
Q Have you been enrolled by this Commission as a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Do you know Andrew K etcher? A Yes, sir.
Q About how old is he? A I guess he would be about 18 or 19.
Q According to the tribal rolls he would be 21; do you think that is right? A That is right.
Q Where is he now? A He is in the pen.
Q Do you know where? A Leavenworth, I think.
Q Do you know whether he is in the penitentiary or reform school?
A I think he is in the penitentiary.
Q How was he sent away? A It has been about 2 years, over 2 years.
Q For how long a time was he sent off? A I understand five years.
Q Was he ever married? A No, sir.
Q Is he a full blood Cherokee? A He is a half breed, his mother was a white woman.
Q Has he always been recognized by the tribal authorities as a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Who was his father? A Mose Ketcher.
Q Is he living or dead? A He is dead.
Q Was he a Cherokee by blood? A Yes, sir, Cherokee by blood.
Q Who was the mother of Andrew K etcher? A Her name was Mat Swim.
Q Is she living or dead? A She is dead.
Q She was a white woman, you say? A Yes, sir.
Q Was Mose Ketcher ever married to this woman? A Well, they were not lawfully married, I don't think, they just took up together.
Q How long did they live together? A I believe they lived together about a year or a little better.
Q Were they known as man and wife while they lived together?
A Yes, sir.
Q When they got tired living together they just quit? A Why she always said she just got tired of him and just walked aff.
Q Did she ever live with any other man? A Yes, sir;after or before?
Q Either? A She lived with a man na ed Runabout.
Q She lived with several for short times? A Before that a man named Bill Tucker brought her from Tahlequah.
Q To make a plain question, was she in the habit of living with anyone that she wanted to or anyone that wanted her to live with them? A Well she lived with a fellow named Green Ketcher, and Green Ketcher got two children by her and they are both dead.
Q Was she ever married to anyone, lawfully? A None as I know of; she lived with Levi Deerinwater, she lived with him at the time she died.
Q Did she ever live with anyone except those you have named?
A No, sir, those were all I know of: she had another child, but I didn't learn who she claimed it by.
Q Did Andrew Ketcher live in the Cherokee Nation all his life until he was sent up? A Yes, sir.

The 1880 authenticated roll of citizens of the Cherokee Nation examined, and neither Andrew Ketcher nor his mother identified thereon.

The 1896 census roll of citizens of the Cherokee Nation examined, and Andrew Ketcher identified thereon, page 1201, No. 1942, Tahlequah District, native Cherokee, 15 years of age.

A.K.

Commission: Andrew Ketcher is now in the penitentiary at Fort Leavenworth. He is shown to have a satisfactory residence in the Cherokee Nation, and is identified upon the tribal rolls as indicated in the testimony. There is doubt as to his Cherokee citizenship, on account of his mother being a white woman.

This record will be forwarded to the Commission at Muskogee and Andrew K etcher will be properly listed.

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce S. Jones

Sworn to and subscribed before me this the 31st of July, 1903.

R. R. Ruth

Notary Public.

C O P Y.

C.F.B. Cherokee 9416

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Andrew Ketcher as a citizen by blood of the Cherokee Nation.

O R D E R

THE RECORDS OF THIS OFFICE SHOW: That at Peggs, Indian Territory, June 23, 1902, Charley Henson appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Andrew Ketcher as a citizen by blood of the Cherokee Nation.

Since the application was received by the Commission to the Five Civilized Tribes for the enrollment of said Andrew Ketcher as a citizen of the Cherokee Nation, the Commission, and the Commissioner, to the Five Civilized Tribes have diligently sought information which would enable them to determine whether or not said applicant was living September 1, 1902, and if so, whether or not he was entitled to enrollment on that date. No information has been obtained tending to show the status of said Andrew Ketcher on September 1, 1902.

IT IS, THEREFORE, ORDERED: That the application for the enrollment of Andrew Ketcher as a citizen of the Cherokee Nation, be, and the same is, hereby, dismissed without prejudice.

(Signed) Tams Bixby,
Commissioner.

Dated at Muskogee, Indian Territory,

this Feb 28 1907

OF INDIAN AFFAIRS
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DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE ENROLLMENT, of Andrew Ketcher, as a citizen of the Cherokee Nation.

PROCEEDINGS had at Hulbert, Oklahoma, November 16, 1910, by Mr. George Reed, on behalf of the Commissioner.

Interpreted by R.L.Taylor, Indian Policeman, of Westville, Okla.

Examination by Mr. Reed:

Andie Nair being first duly sworn testifies as follows:

Q What is your name, age and Post Office address? A Andie Nair, about 54 years old; my post office, Hulbert, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes; a full blood. (See F.C.R.#18325)
Q Were you ever acquainted with one Andrew Ketcher, a Cherokee Indian? A I raised a man named Andrew Ketcher.
Q Who is the father of this Andrew Ketcher? who you mentioned? A Mose Ketcher.
Q Who was the mother of this Andrew? A Mat Swim, a white woman.
Q Was Andrew Ketcher, whom you raised, ever sent to the penitentury for stealing? A Yes.
Q Was he ever released? A Yes
Q About how long ago? A About 7 years ago.
Q Where was he tried and sentenced? A I think at Muskogee, Maybe so at Tahlequah.
Q Was Andrew Ketcher ever known as Ellis Ketcher? A He was known as Ben when he was a baby.
Q Is Andrew Ketcher still living? A Yes.
Q When did you see him last? A Yesterday morning at my house.
Q Do you know if Andrew Ketcher was ever enrolled upon the Final Rolls? A I don't know.
Q Was he recognized as a Cherokee Citizen? A Yes; his father is a Cherokee.
Q Do you know if Andrew Ketcher ever applied for enrollment? A I don't know.
Q You say you saw Andrew Ketcher yesterday morning? where is he now, if you know? A He went up north near Rose, hunting hogs.
Q Do you know when he will be back and will you see him? A I don't know when he will be back; I sent him up there to getthem hogs.
Q Willyou bring him before us either here or Tahlequah within the next week? A Yes; if he comes back.

W.E.Poltz, being first duly sworn, states that the aboveand foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Poltz

Subscribed and sworn to before me on this 11th day of January, 1911.

R. P. Harrison, Clerk.

By Edward Mercer
Deputy.

Further testimony of Andie Hair taken Nov. 17, 1910.

Q You are the Andie Hair who testified in the matter of the enrollment of Andrew Ketcher yesterday? A Yes.
Q Was the mother of Andrew Ketcher, Mat Swim, a desolute woman? A yes; but later she settled down.
Q Did she live with several men in open adultery? A She lived first with Bill Tucker, then with Green Ketcher, then with Mose Ketcher; then she was living with Deerinwater afterwards and died while she was living with him.
Q Was Andrew Ketcher ever on any Tribal Rolls? A Yes; I think so.
Q Was he recognized as Cherokee Citizen? A Yes.
Q How old is Andrew Ketcher? A 29 years old onthe 19th day of last October.
Q Was he born in the Cherokee Nation? A Yes.

W. E. Foltz, being first duly sworn, states that the aboveand foregoing is a true and corredt transcript of his stenographic notes taken in this case.

W. E. Foltz

Subscribed and sworn to before me on this 11th day of January, 1911.

R. P. Harrison, Clerk.

By Edward Kennedy
Deputy.

(COPY)

Cher. J. 115.

MEMORANDUM.

Andrew Ketcher, P. O. Hulbert, Oklahoma, (an ex-convict penetentiary) 29 years old, a son of Mose Ketcher, and a dissolute white woman (not shown by proof) named Mat Swim, no previous application.'

The only Moses Ketcher enrolled as a Cherokee by blood is Roll No. 3578, 27 years old, an one-half blood who could not be the father of Andrew Ketcher, 29 years old. The name of his mother, Mat Swim does not appear upon any approved Cherokee tribal roll.

~~Recommended that Andrew Ketcher~~ be not ~~enrolled~~.

Andrew Ketcher identified on Cherokee census roll of 1896 at No. 1942, 15 yrs. of age.

The Comm. to the Five Tribes Dismissed the application for Andrew Ketcher's enrollment Feby. 28 '07 without prejudice because of lack of proof that he was living Sept. 1, 1902

Andrew Ketcher ~~living 1900~~ was in the U. S. Penitentiary at Leavenworth Sept. 1 '02. as Ellis Ketcher and was living Nov. 16, 1910.

COPY.

DEPT. OF INDIAN AFFAIRS
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JUL 22 1913

90635

Cherokee 9416.

Muskogee, Indian Territory, January 23, 1905.

OFFICE OF INDIAN AFFAIRS
RECEIVED
DEC 5 - 1911
File 1038[illegible]

Charley Henson,

Melvin, Indian Territory.

Dear Sir:

On June 23, 1902, you appeared before this Commission, at Peggs, Indian Territory, and made application for the enrollment of one Andrew Ketcher, as a citizen of the Cherokee Nation.

Before any further action can be taken in the matter of said application, it will be necessary for you or someone in his behalf, to appear before this Commission, at Muskogee, Indian Territory, and testify relative to his parentage.

This matter should receive your immediate attention.

Respectfully,

Register.

SIGNED: Tams Bixby.
Chairman.

COPY

U. S . Penitentiary,

Leavenworth Kas. Feby 21, 1907

Respectfully returned. There is no record in this penitentiary of Andrew Ketcher. One Ellis Ketcher, No. 2105, was received here from Tahlequah, I. T. April 29, 1900, sentenced to 5 years for larceny. He was discharged June 16, 1903.

(Signed) R. W. McLaughley,

Warden.

INDIAN AFFAIRS
90635

Land-
Allotments.
Cher.J.115
0 R

Right to enrollment
of Andrew Ketcher.

NOV 27 911

FOR FILE.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

You are requested to ascertain whether the name of Andrew Ketcher appears upon any Cherokee tribal roll in your possession, and if any application was ever filed for his enrollment you are requested to transmit a copy of the testimony taken in the case.

Respectfully,

(Signed) F. H. Abbott.

Assistant Commissioner.

11-RFP-27

Refer in reply to the following:

D-2095-1911
JCK-MC

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

SUBJECT:
Land
Allotments
Cherokee J-115
G R

Muskogee, Oklahoma, December 1, 1911.

Right to enrollment of
Andrew Ketcher.

OFFICE OF INDIAN AFFAIRS RECEIVED DEC 5 - 1911 File 103878

OF INDIAN AFFAIRS RECEIVED DEC 21 1913 90635

The Honorable,

The Commissioner of Indian Affairs.

Sir:

As requested in your letter of November 27, 1911, I have the honor to transmit herewith a copy of the application made on behalf of Andrew Ketcher for his enrollment as a citizen by blood of the Cherokee Nation, also a copy of the order signed by Commissioner Bixby on February 28, 1907, wherein it was ordered that the application for the enrollment of Andrew Ketcher as a citizen by blood of the Cherokee Nation be dismissed.

Respectfully,

Commissioner.

MC-1-10

Cher 11077
John King

Cher 11077

(COPY)

Office of Indian Affairs
Received Dec 4-1911
103725

G.

C.

Department of the Interior.
Commission to the Five Civilized Tribes.
Salina, I. T., April 17, 1902.

In the matter of the Application of CHARLEY KING for the enrollment of himself as a citizen of the Cherokee Nation.

Dave Hair, being first duly sworn, and being examined, testified as follows, through sworn interpreter James P. Butler:

BY COMMISSION: What is your name? A Dave Hair.
Q What is your age? A Forty-six.
Q What is your postoffice? A Spavinaw.
Q Are you a recognized citizen by blood of the Cherokee Nation?
A Yes, sir.
Q Who do you want to enroll? A Charley King.
Q How old is he? A Forty-nine.
Q What is his post office? A Spavinaw.
Q Does he live in Saline District? A Yes sir.
Q Has he a family? A Yes sir.
Q Wife, and how many children? A No wife, wife is dead, five children.
Q Are they under twenty-one years old, living at home with Charley King? A The oldest one is twenty-five.
Q Are they living at home with Charley King, un-married?
A No, he is not married, he lives there.
Q What is the name of the oldest child? A Tom.
Q How old is he? A Twenty-five.
Q What is the name of the next child? A John.
Q How old is he? A Twenty.
Q What is the name of the next child? A Sam.
Q How old is he? A Fourteen.
Q Next child? A Nancy?
Q How old is Nancy? A Twelve.
Q What is the name of the next child? A Susie.
A How old is Susie? A Nine.
Q Is Charley King a citizen by blood of the Cherokee Nation?
A Yes sir.
Q Does he claim to be a full blood Cherokee? A Yes sir.
Q What is the name of his father? A I don't know what his father's name was. I was a little boy when he came to that part of the country.
Q Do you know the name of Charley's mother? A Sallie.
Q She died some time ago? A Yes, sir.
Q What is the name of the mother of these children for whom you apply? A Ah-hyaw-ga.
Q How long has that woman been dead? Was she living with Charley King in 1880? A Yes sir.
Q Was she a full blood Cherokee? A Yes sir.
Q What was the name of this woman, the mother of these children, before she married Charley King? A May have enrolled her as Mary Walker. Her father had died a long time ago.

1880 authenticated roll of citizens of the Cherokee Nation examined, and the applicants identified as follows:

Page 643, #625, Charles King, Saline District, age 28.

1880 roll, page 643, # 626, Mary King, Native Cherokee, Saline District, age 21.

Page 643, #628, Oo-gah-no-lah King, Saline District, age one

1896 roll of citizens of the Cherokee Nation examined, and applicants identified as follows:

Page 1002, #669, Charley King, Saline District, age 47.

Page 1002, #672, Thomas King, Saline District, age 19.

Q Did this boy John ever go by the name of James or Jim, that you know of? A I don't remember.
Q Did Cherley King ever have a boy named James, younger than Tom, next to Tom? A He had a boy that died, but I don't remember the boy's name.
Q Was this child that died the youngest child of Charley King?
Q There was a child died just here sometime ago that was a small child, I don't think it would be on the rolls.
Q The 1896 roll shows the youngest child in that family one year old, and the name of the next child to Tom is James.
A I may be able to get it when I go home tonight.

Case continued to April 18,1902.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson.

Subscribed and sworn to before me this 22 day of April, 1902.

(SEAL)

M. D. Green
Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as Cherokee Citizens, of John King, West King and Sarah Leaf, who appear upon the Eastern Cherokee Roll opposites Nos. 16296, 22906 and 16385, and shown not to be upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had near Salina, Oklahoma, January 17, 1911, before Mr. S. A. Mills, on behalf of the Commissioner.

Interpreted by James R. Gourd, of Pryor, Okla., who was first duly sworn.

Examination by Mr. Mills:

Charlie King being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Charlie King; age 61; Salina, Okla.
Q Are you an enrolled Cherokee citizen? A Yes. (See F.C.R.#29679)
Q What is your purpose of appearing before me at this time? A To make application for the enrollment of my son John and my grand-children West King and Sarah Leaf, upon the Final Rolls of the Five Tribes as Cherokee citizens.
Q Have you any other children who are enrolled upon the Final Rolls of the Five Civilized Tribes? A Yes; Tom, James, Sam, Nancy and Susie. (See F.C.R.#29680-1-2-3-4)
Q Have you any children who are not enrolled? A Yes, one; this boy John--indicating the child.
Q How old is John? A About 14 yearsold.
Q When was John born? the year, month and day if you know? A He was born September 18, I do not know theyear but it was about 14 years ago.
Q Have you any written record of the date of his birth? A No sir; I have no record; I never kept any.
Q Did you ever make application for theenrollment of this your son John heretofore? A No sir.
Q Why not? A At the time they were enrolling I did not believe in it and I never gave myself or any of my family in, but a man by the name of Dave Hair gave us in.
Q Who is the mother of your son John King? A Mary King, she is dead.
Q When did she die? A On the 3rd day of October, 1902.
Q Was she an enrolled Cherokee Citizen? A No sir, she was not.
Q Are you sure that she died in October 1902? A Yes; I am sure of that.
Q Have you a record of that, or has any one else? A No sir, I have no record and I do not know of any one that has. When she was burried we put a head-board at her grave with the date of her death cut into the board and it was there for a long time, but the grass fires burned up the board, so now that is gone.
Q Who was present when this, your son John was born? A "Louisa".
Q Is she now alive or dead? A She is living.
Q Where does she live? where can I find her? A On Elm Prairie, at Lewe Cochran, near Leach.
Q You are also making application for the enrollment upon the Final Rolls of the Five Civilized Tribes of your grand-son West King: where is he now? A He lives here on Saline Creed, but he has gone off visiting now.

Q Who is the father of your grand-son West King? A My son James King.
Q Is he an enrolled Cherokee Citizen? A Yes. (See F.C.R.#29681) He was enrolled by Dave Muir at the same time that I was and the rest of my family.
Q Have you a brother known as James King? A No.
Q Then this grand-son West King, for whom you are now applying, is the son of your son James King? A Yes.
Q Who is the mother of your grand-son West King? A Dillie King, formerly Dillie Wofford.
Q Is she now alive? A Yes; she and James and their children are all away visiting.
Q Is this, your daughter-in-law, the mother of your grand-son West an enrolled Cherokee Citizen? A I do not know; I don't think she is. She has no land that I know of. She is a Full blood Cherokee Indian.
Q How old is your grand-son West? A About 7 or 8 years old.
Q Was your son James any children who are enrolled upon the Final Rolls of the Five Civilized Tribes? A I do not know.
Q What are the names of the children of your son James King? A West, Maggie and a baby. (See E.C.R.#22906-7)
Q When was West born? the year, month and day, if you know? A I do not know.
Q Do you know of any one who does? do you know of any written record of the date of his birth being made by any one? A No.
Q Where is West King now? A He is off with his father and mother visiting.
Q Why didn't your son James King appear and make application for his child West? A He does not know anything about it. He was away and I got your notices yesterday and I was just going down to Locust Grove to try to meet you and attend to it myself for both my son John and James boy West because his father is away visiting and cannot come down himself.
Q Then you are sure beyond any doubt that your son John for whom you are making application for enrollment, is 14 years of age and that your grand-son West is 7 years of age? A Yes; I am sure of that, just as near as I can remember.
Q Are there any other members of your family who are not enrolled upon the Final Rolls of the Five Civilized Tribes? A Yes; I have another grand-child.
Q What is her name? A Sarah Leaf.
Q Who is the mother of that Child? A My daughter Nancy. She is now the wife of Jeff. Muir.
Q Who is the father of that child? A Coosie-Scoosie Leaf.
Q Was your daughter and Coosie-Scoosie Leaf married? A No.
Q Is thischild, Sarah Leaf, now living? A Yes, Living with her mother.
Q Is Coosie-Scoosie Leaf a full blood Cherokee Indian? A Yes.
Q When was this Sarah Leaf born? A In 1906, in September; I don't know the day.
Q Have you a written record of the date of the birth of that child? A No.
Q How do you make that date so positive? A I just remember it.
Q Who was present when that child was born? A No one that I know of; she was alone.
Q You stated that this child, Sarah Leaf, is living with her mother? A Yes; up the hollow, on the road going to Spavinaw from Big Saline Creek.

Q Are you sure beyond a doubt that this child, Sarah Leaf, was born in September 1906? A Yes; on her next birthday she will be six years old.
Q Do you know if any application has been made for the enrollment of this child, Sarah Leaf? A No; only on the Eastern Cherokee Roll.
Q Is Coole Scoole Leaf a full blood Cherokee Indian? A Yes.
Q Where does he live? A Near Tucha.

Sam King being first duly sworn testifies as follows:
Q State your name, age and Post Office address? A Sam King; 24 or 25 years old, Spavinaw, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#29682)
Q Do you know John King, a Cherokee Indian, the son of Charlie King? A Yes; he is my brother, Charlie King is my father.
Q How old is your brother John? A About 14 years old
Q Do you know whether or not he has ever been enrolled upon the Final Rolls of the Five Civilized Tribes as a Cherokee Citizen? A I do not know; I know he has no land. He was enrolled upon the Eastern Cherokee Roll and got part of the Emigrant money.
Q What was John's mother's name? A Mary King.
Q Is John a full brother of yours? A Yes.
Q Where is he now? is he alive? A Yes and living with my father, on big Saline Creek.
Q Do you know if there has ever been any application made for his enrollment as a Cherokee Citizen upon the Final Rolls? A No; when they were enrolling my father was opposed to us being enrolled and I understand Dave Muir gave our names in.
Q Do you know of any record as to the date of John's birth whereby we can arrive at a more positive date than that of memory or hearsay? A No.
Q Do you know West King? A Yes; he is my nephew, my brother James' boy.
Q How old is West? A About seven years old.
Q Do you know the year, month and day he was born? A No, I don't. He will be eight years old on his next birthday.
Q Do you know if any application has been made heretofore for his enrollment upon the Rolls of the Five Civilized Tribes? A No I do not know anything about that; I know he drawed Eastern Cherokee money.
Q Where is West now? A He is away visiting with his father and mother.
Q He is alive then? A Yes.
Q Has he any brothers or sisters? A Yes, Maggie and a baby.
Q Who was the mother of West? A I know the license calls her Dillie Wofford, she is a daughter of Thad Wofford, of Tahlequah.
Q About how old is this mother, Dollie? A Somewhere about 22 or 23 years old.
Q Did James King ever live at Dragger, Okla. A He lives on Big Saline Creek and gets his mail at Dragger.
Q Do you remember when your mother died? A I remember it was in 1902.
Q Do you know the month? A October 3.
Q How do you fix that date so positively, do you just remember it? A Yes; just remember it. It was cut into the head-board of her grave and we saw it there many times.
Q Where is that head-board that you speak of now, where she was burried? A On Big Saline Creek, but the board was burned up in a grass fire

Nancy Hair being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Nancy Hair; age about 23; Spavinaw, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#29683)
Q What is your purpose of appearing before me at this time? A To make application for the enrollment of my child Sarah.
Q How old is your child Sarah? A Six years old; born September 1905.
Q Have you a written record of that event? A No: I never made a record of it.
Q How do you make the date so positively to be september 1905? A I just remember it; on her last birthday she was five years old.
Q Whatis the name of the father of Sarah? A "Coole Scoole" Leaf.
Q Is he an enrolled Cherokee Citizen? A Yes, I do not know how he is enrolled.
Q Was he your husband? A No; we just lived together a little while.
Q Is Sarah now living? A Yes; here she is--indicating the child.
Q Who is your present husband? A Jeff Hair. (See F.C.R.#26402)
Q Has any application heretofore been made for the enrollment of your daughter Sarah? A No; only on the Eastern Cherokee Emigrant Roll.
Q Why not? A Because my folks were all opposed to enrolling.
Q Then they were what are known as Night Hawks? A Yes.
Q Who was present when this, your daughter Sarah was born? A No one was present, I had the child alone.
Q I notice that you are enrolled as Nancy King opposite Final Roll No.29683; who was your father? A Charlie King. (F.C.R.#29679)

John King and Sarah Leaf were present and appeared to be of the age and blood claimed.

Look up the status of Dollie Wofford, wife of James King, as developed in the foregoing testimony; also look up records in re enrollment of Mary King, deceased wife of Charlie King. See testimony of Charlie King.

W. H. Wolfe, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in thiscase.

W H Wolfe

Subscribed and sworn to before me on this 23rd day of January, 1911.

Edward C. Merrick
Notary Public.

Office of Indian Affairs
Received Jul 25, 1913
90635

(COPY)

M E M O R A N D U M.

Cher. J. 152.

John King, P. O., Salina, Okla., on Eastern Cher. roll No. 16296, not on F. C. T. rolls, born Sept. 18, 1896. No previous application because the father was a Nighthawk, opposed to enrolment. His family was arbitrarily enrolled by Dave Hair who omitted to name John King, now about 14 years old.

Father -- Charley King, Cher. full blood, roll No. 29679.

Mother -- Mary King, deceased Oct. 3, 1902, not enrolled.

Brother -- Sam King, Cher. full blood, roll No. 29682.

Sister -- Nancy Hair, enrolled as Nancy King, Cher full blood, roll No. 29683.

b. West King, said to be seven years old, son of James King, Cher. roll No. 29681. P. O. Dragger, Okla., and grandson of Charley King, Cher. roll No. 29679, P. O. Salina, Okla.

Mother -- Dollie King, nee Dollie Wofford, an alleged full blood Cherokee who is reputed to be not enrolled.

c. Sarah Leaf, an illegitimate daughter of Nancy Hair, enrolled as Nancy Hair, Cher. full blood No. 29683, and one Cooie-Scooie Leaf, an alleged enrolled citizen who cannot be identified as enrolled under that name. Sarah Leaf was born Sept. 1905, was produced at the hearing and appeared to be of the age and blood oldimed.

Recommended that further investigation be made as to whether Mary King, deceased mother of John King, was entitled to enrolment and as to whether Dollie King

nee Wofford, an alleged full blood Cherokee and mother of West King has been enrolled and whether Coole-Scoole Leaf, an alleged full blood and reputed father of Sarah Leaf, has been enrolled. It is recommended further that John King and Sarah Leaf be enrolled as minor Cherokee full bloods and that West King be produced at the hearing and the testimony of his father James King, Cher. roll 29861, P. O. Dragger, Okla., be procured.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR. 90635

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Jesse King (Here insert name of child), born on the 18th day of September 1896.

Name of Father: Charles King a citizen of the Cherokee Nation.

Name of Mother: Mary King, deceased a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll No. 29479 Tribal enrollment of mother Dead Prior Enrollment

Postoffice Salina P.O. Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Mayes County ~~District~~.

I, Charles King, on oath state that I am 61 years of age and a citizen by blood, of the Cherokee Nation; that I ~~am~~ was the lawful ~~wife~~ husband of Mary King, deceased, who ~~is~~ was a citizen, by blood, of the Cherokee Nation; that a Male (Male or Female) child was born to me on Sat. the 18th day of September 1896; that said child has been named Jesse King and was living March 4, 1906, and is now alive and living with me.

Charles X his mark King

WITNESSES TO MARK:

[Must be Two Witnesses] W. E. Falk Muskogee, Okla.
L. Miller Muskogee Okla

Subscribed and sworn to before me this 17th day of January 1907.

R. P. Harrison Clerk
By L. Miller Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
..... District.

I, ..., a....., on oath state that I attended on ....., wife of ..... on the .....day of....., 1....., that there was born to her on said date a..... (Male or Female) child; that said child was living March 4, 1906, and is said to have been named .....

.....

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this .....day of ..... 1906.

.....
Notary Public.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of West King [Here insert name of child], born on the ..... day of 1904

Name of Father: James King a citizen of the Cherokee Nation.

Name of Mother: Hollie King a citizen of the ..... Nation.

Tribal enrollment of father Cherokee Bell #29681 Tribal enrollment of mother .....

Postoffice Salina

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I, ... on oath state that I am .....

years of age and a citizen by ..... of the ..... Nation;

that I am the lawful wife of ....., who is a citizen, by

....., of the ..... Nation; that a .....child was
[Male or Female]

born to me on ..... day of ..... 1..... ; that said child has been named

..... and was living March 4, 1906

.....

WITNESSES TO MARK:

[Must be Two Witnesses] }
.....
.....

Subscribed and sworn to before me this ..... day of ..... 1906.

.....
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I, ..., a....., on oath state that I

attended on ....., wife of .....

on the .....day of..... 1..... ; that there was born to her on said date a.....
[Male or Female]

child; that said child was living March 4, 1906, and is said to have been named.....

.....

.....

WITNESSES TO MARK:

[Must be Two Witnesses] }
.....
.....

Subscribed and sworn to before me this ..... day of ..... 1906.

.....
Notary Public.

Office of Indian Affairs
Received Jul 24 1913
90635

(COPY)

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Sarah Leaf [Here insert name of child], born on the day of September, 1905

Name of Father: Cooie Scoose Leaf a citizen of the Cherokee Nation

Name of Mother: Nancy Hair a citizen of the Cherokee Nation.

Tribal enrollment of father ..... Tribal enrollment of mother Cherokee Roll No 29683

Postoffice Spavinaw, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Mayes County ~~District.~~

I, Nancy Hair on oath state that I am 23 years of age and a citizen by blood of the Cherokee Nation; that I am the lawful wife of Jeff Hair, who is a citizen, by blood of the Cherokee Nation; that a female [Male or Female] child was born to me on day of September, 1905; that said child has been named Sarah Leaf and was living March 4, 1906 who is now alive and living with me.

her
Sarah X Leaf
mark

WITNESSES TO MARK:

[Must be Two Witnesses] W. E. Foltz, Muskogee, Okla.
S. A. Mills, Muskogee, Okla

Subscribed and sworn to before me this 17th day of January, 1906

Seal

R. P. Harrison - Clerk.
By S. A. Mills - Deputy.
~~Notary Public~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
..... District.

I, ..., a....., on oath state that I attended on ....., ..., wife of.....

on the .....day of..... 1....; that there was born to her on said date a.....
[Male or Female]

child; that said child was living March 4, 1906, and is said to have been named.....

.....

.....

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this.....day of..... 1906.

.....
Notary Public.

Office of Indian Affairs
Received Jul 24 1913
90636

(COPY)

land-
Allotments
Cherokee , Okla.
C a

Nov 26 1913

The Commissioner

to the Five Civilized Tribes.

Muskogee, Oklahoma.

Sir:

You are requested to transmit a [illegible]

testimony taken for the enrollment of Charley Fox, Cherokee

Roll No. 28979, and file [illegible].

You are also requested [illegible] file

[illegible], see Vol [illegible], pages [illegible] to the allotment of

[illegible], and which [illegible] filed for enrollment,

[illegible], also [illegible] Cherokee Death Certificate [illegible]

Cherokee Initial roll [illegible], and if so, to transmit the testimony

taken in the [illegible] application, and to report whether any application

was ever filed for the enrollment of [illegible] Fox, deceased [illegible] of

Charley Fox. Cherokee Roll Number 28979.

An early response will be appreciated.

"Very truly", (Signed) [illegible]

Assistant Commissioner.

II-MAY-26.

(COPY)

1

Land-
Allotments
Cherokee J. 152
G R

F O R F I L E

Nov 28 1911

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

You are requested to transmit a transcript of the testimony taken for the enrollment of Charley King, Cherokee Roll No. 29679, and his family.

You are also requested to report if the name of Dollie King, nee Wofford, appears upon any Cherokee tribal roll in your possession, and whether any application was filed for her enrollment, also whether the name Cooie Scooie Leaf appears upon any Cherokee tribal roll in your possession, and whether any application was filed for his enrollment, and if so, to transmit the testimony taken in the matter of either of the last named applications.

You are also requested to report whether any application was ever filed for the enrollment of Mary King, deceased wife of Charley King, Cherokee Roll Number 29679.

An early response will be appreciated.

Respectfully, (Signed) F. H. Abbott.

11-WKY-28.

Assistant Commissioner.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

JCK
WMC
Office of Indian Affairs
Received Dec 4- 1911
103725

D-2097-1911
JCK-MC

SUBJECT:
Land-
Allotments
Cherokee J-152-
C E

Enrollment of Charley King and family as Cherokees.

Muskogee, Oklahoma, December 1, 1911.

The Honorable,

The Commissioner of Indian Affairs.

Sir:

I have the honor to acknowledge receipt of your letter of November 28, 1911, requesting a transcript of testimony taken for the enrollment of Charley King, Cherokee Roll No. 29679, and his family. You also request to be advised whether or not the name of Dollie King, nee Tofford, appears on any of the Cherokee Tribal rolls in the possession of this office and whether any application was ever made for her enrollment, also whether the name of Cooie Scoie Leaf appears upon any of the Cherokee tribal rolls in the possession of this office and if application was ever made for his enrollment. You further request to be advised whether or not any application was ever filed for the enrollment of Mary King, deceased wife of Charley King, Cherokee Roll No. 29679.

Replying thereto I have the honor to transmit herewith a copy of the application of Charley King for the enrollment of

himself and family as citizens of the Cherokee Nation.

The names of Dollie King, nee Wofford, and Cooie Scoole Leaf do not appear on any of the Cherokee Tribal rolls in the possession of this office nor do the records show that any application was ever made for their enrollment.

I have the honor to further advise that the records of this office do not show that any application was ever made for the enrollment of Mary King, deceased wife of Charley King, as in the testimony given at the time of the application for the enrollment of Charley King, which was April 17, 1902, it was shown that said Mary King was not living on that date and as it was necessary that persons to be entitled to enrollment should be living September 1, 1902, application was not made for her enrollment.

Respectfully,

J. G. Wright

Commissioner.

MC-1-9.

Cher 11078

West King

"No Dpt. Jacket"

Cher 11078

G.

C.

OFFICE OF INDIAN AFFAIRS
RECEIVED
DEC 4 - 1911
103725

Department of the Interior.
Commission to the Five Civilized Tribes.
Salina, I. T., April 17, 1902.

In the matter of the application of CHARLEY KING for the enrollment of himself as a citizen of the Cherokee Nation.

DAVE HAIR, being first duly sworn, and being examined, testified as follows, through sworn interpreter James P. Butler:

BY COMMISSION: What is your name? A Dave Hair.
Q What is your age? A Forty-six.
Q What is your postoffice? A Spavinaw.
Q Are you a recognized citizen by blood of the Cherokee Nation?
A Yes sir.
Q Who do you want to enroll? A Charley King.
Q How old is he? A Forty-nine.
Q What is his post office? A Spavinaw.
Q Does he live in Saline District? A Yes sir.
Q Has he a family? A Yes sir.
Q Wife, and how many children? A No wife, wife is dead, five children.
Q Are they under twenty-one years old, living at home with Charley King? A The oldest one is twenty-five.
Q Are they living at home with Charley King, un-married?
A No, he is not married, he lives there.
Q What is the name of the oldest child? A Tom.
Q How old is he? A Twenty-five.
Q What is the name of the next child? A John.
Q How oldis he? A Twenty.
Q What is the name of the next child? A Sam.
Q How old is he? A Fourteen.
Q Next child? A Nancy? A
Q How old is Nancy? A Twelve.
Q What is the name of the next child? A Susie.
A How old is Susie? A Nine.
Q Is Charley King a citizen by blood of the Cherokee Nation?
A Yes sir.
Q Does he claim to be a full blood Cherokee A Yes sir.
Q Whatis the name of his father? A I don't know what his father's name was. I was a little boy when he came to that part of the county
Q Do you know the name of Charley's mother? A Sallie.
Q She died some time ago? A Yes sir.
Q What is the name of the mother of these children for whom you apply? A Ah-hyaw-ga.
Q How long has that woman been dead? Was she living with Charley King in 1880? A Yes sir.
Q Was she a full blood Cherokee A Yes sir.
Q What was the name of this woman, the mother of these children, before she married Charley King? A May have enrolled her as Mary Walker. Her father had died a long time ago.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicants identified as follows:

Page 443, #626, Charles King, Saline District, age 28.

1880roll, page 443, #626, Mary King, Native Cherokee, Saline District, age 21.

Page 443, #626, Co-gah-ne-lah King, Saline District, age one

2.

1896 roll of citizens of the Cherokee Nation examined, and applicants identified as follows:

Page 1002, #669, Charley King, Saline District, age 45.

Page 1002, #672, Thomas King, Saline District, age 19.

Q Did this boy John ever go by the name of James or Jim, that you know of? A I don't remember.
Q Did Charley King ever have a boy named James, younger than Tom, next to Tom? A He had a boy that died, but I don't remember the boy's name.
Q Was this child that died the youngest child of Charley King?
Q There was a child died just here sometime ago that was a small child, I don't think it would be on the rolls.
Q The 1896 roll shows the youngest child in that family one year old, and the name of the next child to Tom is James.
A I may be able to get it when I go home tonight.

Case continued to April 16, 1902.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 22 day of April, 1902.

W D Green
Notary Public.

BIRTH AFFIDAVIT. 199

DEPT. OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of West King [Here insert name of child], born on the ....day of ....1906.

Name of Father: James King ....a citizen of the Cherokee Nation.

Name of Mother: Dallie King ....a citizen of the ....Nation.

Tribal enrollment of father Cherokee Roll No. 7968 ....Tribal enrollment of mother ....

Postoffice Salina

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I, ..., on oath state that I am ..... years of age and a citizen by ....., of the ..... Nation; that I am the lawful wife of ....., who is a citizen, by ....., of the .....Nation; that a .....child was [Male or Female] born to me on .....day of ....., 1...; that said child has been named ..... and was living March 4, 1906.

.....

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this .....day of ..... 1906.

.....
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I, ..., a....., on oath state that I attended on ....., wife of ..... on the .....day of ....., 1.....; that there was born to her on said date a..... [Male or Female] child; that said child was living March 4, 1906, and is said to have been named ....

.....

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this .....day of ..... 1906.

.....
Notary Public.

DEPARTMENT OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

Land-
Allotments
Cherokee J. 152
0 R

NOV 28 1911

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

You are requested to transmit a transcript of the testimony taken for the enrollment of Charley King, Cherokee Roll No. 29679, and his family.

You are also requested to report if the name of Dollie King, nee Woffard, appears upon any Cherokee tribal roll in your possession, and whether any application was filed for her enrollment, also whether the name Cocie Scocie Leaf appears upon any Cherokee tribal roll in your possession, and whether any application was filed for his enrollment, and if so, to transmit the testimony taken in the matter of either of the last named applications.

You are also requested to report whether any application was ever filed for the enrollment of Mary King, deceased wife of Charley King, Cherokee Roll Number 29679.

An early response will be appreciated.

Respectfully, (Signed) F. H. Abbott.

11-WKY-28.

Assistant Commissioner.

Refer in reply to the following:

D-2097-1911
JCK-MC

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

SUBJECT:
Land
Allotments
Cherokee J-152-
G R

90635 22827

Muskogee, Oklahoma, December 1, 1911.

Enrollment of Charley King and family as Cherokees.

OFFICE OF INDIAN AFFAIRS
RECEIVED
DEC 4 - 1911
103725

The Honorable,

The Commissioner of Indian Affairs.

Sir:

I have the honor to acknowledge receipt of your letter of November 28, 1911, requesting a transcript of testimony taken for the enrollment of Charley King, Cherokee Roll No. 29679, and his family. You also request to be advised whether or not the name of Dollie King, nee Wofford, appears on any of the Cherokee tribal rolls in the possession of this office and whether any application was ever made for her enrollment, also whether the name of Cpoie Scoole Leaf appears upon any of the Cherokee tribal rolls in the possession of this office and if application was ever made for his enrollment. You further request to be advised whether or not any application was ever filed for the enrollment of Mary King, deceased wife of Charley King, Cherokee Roll No. 29679.

Replying thereto I have the honor to transmit herewith a copy of the application of Charley King for the enrollment of himself and family as citizens of the Cherokee Nation.

The names of Dollie King, nee Wofford, and Coole Scoole

Leaf do not appear on any of the Cherokee tribal rolls in the possession of this office nor do the records show that any application was ever made for their enrollment.

I have the honor to further advise that the records of this office do not show that any application was ever made for the enrollment of Mary King, deceased wife of Charley King, as in the testimony given at the time of the application for the enrollment of Charley King, which was April 17, 1902, it was shown that said Mary King was not living on that date and as it was necessary that persons to be entitled to enrollment should be living September 1, 1902, application was not made for her enrollment.

Respectfully,

Commissioner.

MC-1-9.

Cher 11079
Peggie Knight

Cher 11079

DEPARTMENT OF THE INTERIOR
Commission to the Five Civilized Tribes
Muskogee, Oklahoma, November 26, 1910.

OFFICE OF INDIAN AFFAIRS
JUL 24 1913
90635

In re application of Peggie Knight by her father Benjamin Knight, for admission as a Cherokee citizen.

Johnson Sixkiller, Baptist, Oklahoma, duly sworn Interpreter.

By George Reed, Clerk Indian Office.

Westville, November 4, 1910.

Benjamin Knight being first duly sworn testified as follows

Q. What is your name
A. Benjamin Knight
Q. Are you an enrolled citizen of the Cherokee Natiom
A. Yes (See Cherokee roll No. 19972)
Q. How old are you
A. I don't know, old man
Q. What is your post office address
A. Westville, Oklahoma.
Q. Have you a child that is not enrolled as a Cherokee citizen
A. Yes sir
Q. What is that child's name
A. Peggie Knight
Q. What is that child's mothers name
A. My wife Arlie Knight (See Cherokee roll No. 19973)
Q. When was Peggie Knight your child born
A. On the 4th day of March 1906
Q. Was she born during the day or after midnight
A. In the morning
Q. How do you fix this date so particularly, have you a bible, book or other record of the date and time of the birth of this child Peggie
A. No we never kept any record
Q. How do you fix the time
A. We just remember it and we have birthday every year
Q. Who was present when Peggie was born, was there a doctor or a midwife
A. We didn't have any doctor we had Eva Thornton from Westville
Q. Where is Eva Thornton now, you should have her here as a witness as to the date of birth of Peggie
A. She is dead
Q. Was any one else present besides Eva Thornton when Peggie was born or any one else that you know of who knows of the exact time and date of the birth of Peggie
A. No one there only Eva and myself
Q. Then you have no other way excepting the memory of yourself and your wife to establish the date and time of the birth of Peggie your child
A. No nobody only my wife and myself
Q. Is this your child Peggie for whom you are now making application for enrollment (indicating the child)
A. Yes
Q. Who does Peggie live with you and your wife?
A. Yes
Q. Have you heretofore at any time made application for enrollment of your child Peggie which you say is not enrolled
A. No.

Q. Why not
A. Because we did not believe in it
Q. Why didn't you believe in it
A. I don't know
Q. Have you heretofore been a member of what is known as the Nighthawk band of Cherokee Indians
A. Yes
Q. Have you received your allotment of land yet
A. I have lived on it all my life
Q. Have you received your patents for your land allotted you by the Dawes Commission
A. No

Patents for said lands are in the hands of District Agent Wilson and at this time delivered to Benjamin Knight.

Witness exc sed.

Arlie Knight being first duly sworn testified as follows.

Q. What is your name
A. Arlie Knight
Q. Your age
A. About 41 years old
Q. Are you an enrolled citizen of the Cherokee Nation
A. I guess so (See No. 19973)
Q. Have you a child named Peggie Knight
A. Yes
Q. Who is its father
A. Him (indicating) Benjamin Knight
Q. Is Peggie Knight enrolled do you know?
A. I don't know
Q. How old is Peggie
A. Going on 5 years
Q. When was Peggie born
A. March 4, 1906
Q. How do you fix that date so positively, have you any record such as a bible or any writing of any kind showing that date
A. No I just remember it
Q. When was the child born during the day or night of March 4th
A. In the morning
Q. Who was present when that child was born
A. Eva Thornton
Q. Where is Eva Thornton now
A. She is dead
Q. Can you recall the name of some person who was present at or about the time that Peggie was born
A. No one there but Eva and my husband
Q. Can you not recall the name of some person who saw Peggie shortly after she was born and who could recall the fact and give some testimony as to about the time when she was born
A. No I don't know
Q. Has any application ever been made by you or any one else that you know of for the enrollment of Peggie before today
A. No I don't know
Q. Can you give us any reference to any one in the neighborhood where you were living who would be apt to know or remember about the birth of Peggie
A. No

The child was present and appeared to be about 5 years old and does not appear to have been enrolled.

Case closed

I hereby certify that the above is a true and correct copy of my long hand notes taken in said case on the 4th day of November 1910.

D. A. Mellus

Subscribed and sworn to before me this 12th day of December 1910.

Harry Montague
Notary Public

My Commission expires 9/13/1911

52.

MEMORANDUM.

JUL 24 1913

90635

Peggie Knight, - P. O., Westville, Okla., born March 4, 1906, in the morning, still living.

Father - Benjamin Knight, full blood Cherokee Roll No. 19972.

Mother - Arlie Knight, full blood Cherokee, Roll No. 19973.

Witnesses - mother and father, the midwife, Eva Thornton, who waited on the mother at the birth of Peggie,is dead.

No application made for the enrollment of the child prior to Nov. 4, 1910, because the father being a member of the Night Hawk band of Indians was opposed to allotment and for the first time accepted his deedsin allotment on the day of the hearing, and immediately lost his deeds on the streets of Westville, and they were soon thereafter returned to him.

The child Peggie was produced and appeared to be of the age claimed.

Birth affidavit was also filed.

Recommended that Peggie Knight be enrolled as a full blood minor Cherokee.

New Cas

BIRTH AFFIDAVIT. 199

DEPT. OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Legaie Knight [Here insert name of child], born on the 4th day of March 1906

Name of Father: Benjamin Knight a citizen of the Cherokee Nation. No. 199 72

Name of Mother Arlie Knight a citizen of the Cherokee Nation. No. 199 73

Tribal enrollment of father Cherokee by blood. Tribal enrollment of mother Cherokee by blood.

Postoffice Westville, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, } Adair County
State of Oklahoma District. }

I, Arlie Knight, on oath state that I am 41 years of age and a citizen by blood, of the Cherokee Nation; that I am the lawful wife of Benjamin Knight, who is a citizen, by blood, of the Cherokee Nation; that a female [Male or Female] child was born to me on 4th day of March 1906; that said child has been named Legaie Knight and was living March 4, 1906, is still living and is present.

her
Arlie X Knight
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Newton St. Washington DC
C. L. Thompson, Westville Okla

Subscribed and sworn to before me this 4th day of November 1906.

R. P. Harrison, Clerk
By A. Millie
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, } Adair County
State of Oklahoma District. }

I, Benjamin Knight a Cherokee by blood on oath state that I attended on my wife as Arlie Knight on the 4th day of March 1906; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Legaie Knight that the child is still living and present, that I brought la midwife, named Eva Thornton, and because to wait on my wife.

his
Benjamin X Knight
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Newton Street, Washington D.C.
C. L. Thompson, Westville Okla

Subscribed and sworn to before me this 4th day of November 1906

R. P. Harrison, Clerk
By A. Millie, Deputy
Notary Public

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24
90635

Muskogee, Oklahoma, December 14, 1910.

Mr. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the claim of Peggie Knight to be enrolled as a Cherokee citizen, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-104

Cher 11080
Nancy Leaf

Cher 11080

OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, of Nancy Leaf, as a Cherokee Citizen.

PROCEEDINGS had at Vian, Oklahoma, December 22, 1910, by Mr. S. A. Mills, on behalf of the Commissioner.

Interpreted by Mr. C. O. Frye, Of Sallisaw, Okla., who was first duly sworn.

Examination by Mr. Mills:

Jim Leaf being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Jim Leaf, age about 32 or 33 years of age, P.O. address, Vian, Okla.
Q Are you an enrolled Cherokee Citizen ? A Yes sir. (See F.C.R.# 19562)
Q What is the purpose of your appearance before me at this time? A To try to get my child Nancy enrolled.
Q How old is your child Nancy? A She is five years old now and will be six years old the 14th day of March next.
Q Who is the mother of your daughter Nancy? A Nellie Leaf.
Q Is she an enrolled Cherokee Citizen? A Yes sir; she is enrolled as Nellie Silk. (See F.C.R.#20524)
Q Has she any children besides Nancy, who are upon the Final Rolls of the Five Civilized Tribes? A Yes sir; two, Lee Vann and Lizzie Silk. (See F.C.R.#20526 and 20525)
Q Who was the father of Lee Vann? A Keener Vann.
Q How old is Lee Vann? A About nine years old.
Q How old is Lizzie Silk? A About 19 years old.
Q Who is the father of Lizzie Silk? A Riley Silk.
Q Who is the father of Nancy Leaf? A I am.
Q What year, month and day was Nancy born? A On the 14th day of March, 1905.
Q Have you a written record of the date of the birth of your daughter Nancy? A No; but I remember it.
Q Who was present at the birth of your daughter Nancy? A My mother, Peggie Leaf, was present and helped my wife.
Q Is your daughter Nancy now living? A Yes; she is living with us; here she is--indicating the child.
Q Have you ever made application for the enrollment of Nancy heretofore A No sir; I never made application.
Q Why not? A I guess it was because I was a Nighthawk.

Nellie Leaf being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Nellie Leaf, about 40 years of age, Post Office Vian, Okla.
Q Do you know James Leaf? A Yes sir, he is my husband.
Q Are you an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.# 20524)
Q Have you a child by James Leaf called Nancy Leaf? A Yes sir.
Q Is Nancy Leaf alive now? A Yes, living with me.
Q Has Nancy Leaf been enrolled as Cherokee Citizen? A No sir; she has not been enrolled.
Q Was she enrolled upon the Eastern Cherokee Roll? A No sir; she was not on the Eastern Emigrant Roll.

Q Do you know if there ever was an application made for the enrollment of your daughter Nancy for either the Eastern Cherokee or the Dawes Commission Rolls of the Cherokee Citizens? A No; I don't know.
Q How old is Nancy? A She is five years old, and will be six the 14th day of next March.
Q In what year was Nancy born? A In 1905.
Q Have you a record of the date of the birth of your daughter Nancy? A No; we have no record.
Q How do you fix the date so positively? A I just remember it.
Q Have you any other children who are upon the Final Rolls of the Cherokee Nation? A Yes sir; I have.
Q What are their names? A Lee Vann and Lizzie Silk. (See F.C.R.# 20526 and 20525)
Q Who was present at the time of the birth of your daughter Nancy? A My husband's mother, Peggie Leaf.

Peggie Leaf being first duly sworn testifies as follows.
Q State your name, age and post office address? A Peggie Leaf, Post Office Vian, Okla. age somewhere about 60, I think.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#14988)
Q Are you well acquainted with Jim Leaf and Nellie Leaf, his wife? A Yes; I know them, they are my son and daughter-in-law.
Q Was you present when a child, Nancy Leaf, was born to them? A Yes.
Q Did you act in the capacity of midwife? A Yes Sir.
Q Is that child now alive? A Yes sir; living with her parents.
Q When was that child born, ifyou remember? A She was born in 1905.
Q How old will Nancy be on her next birthday? A Six years old.
Q Have you a record of that date? A No sir.
Q How do you fix the date so positively? A Just from memory.

The child was present and appeared to be of the age and blood claimed.

W E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 7th day of January, 1911.

R. P. Harrison, Clerk.
By Edward Merrick
Deputy.

90635

Cher. J. 82.

MEMORANDUM.

Nancy Leaf, P.O. Vian, Okla, born March 14, 1905, still living, produced at the hearing Dec 22.1910 and appeared to be of the age and blood claimed.

Father, Jim Leaf, Cher. roll No. 19562, 3/4 degree blood,

Mother, Nellie Leaf, enrolled as Nellie Silk, Cher. roll No. 20524, full blood.

Half-sister, Lizzie Silk, Cher. roll No. 20535, full blood.

Half-brother, Lee Vann, Cher. roll No. 20536, full blood.

No previous application because a nighthawk.

Witnesses, Father, mother and grandmother, who was the mid-wife.

Recommended that Nancy Leaf be enrolled as a minor Cherokee blood of 5/8 degree.

BIRTH AFFIDAVIT. 199

DEC 21 1913

90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Nancy Leaf [Here insert name of child] born on the 14th day of March 1905

Name of Father: Jim Leaf a citizen of the Cherokee Nation.

Name of Mother Nellie Leaf - Emalla - Nellie Dick a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll 19568 Tribal enrollment of mother Cherokee Roll # 20574

Postoffice Vian, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma

Sequoyah County District.

I, Nellie Leaf, on oath state that I am 42 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful wife of Jim Leaf, who is a citizen, by Blood of the Cherokee Nation; that a Female [Male or Female] child was born to me on 14th day of March 1905; that said child has been named Nancy Leaf and was living March 4, 1906, and is now alive and living with me,

her
Nellie X Leaf
mark
P.O. Vian, Okla.

WITNESSES TO MARK:

[Must be Two Witnesses] W.E. Folty Muskogee Okla
Gaffard Fahnoo Nee - Manitou City OK.

Subscribed and sworn to before me this 22nd day of December 1906

R. P. Harrison - Clerk
By A. Hellier - Deputy - Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma

Sequoyah County District.

I, Peggy Leaf, a ..., on oath state that I attended on Nellie Leaf, wife of Jim Leaf on the 14th day of March 1905; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Nancy Leaf, and is now alive and living with her parents.

her
Peggy X Leaf - Cherokee Roll # 19568.
mark

WITNESSES TO MARK:

[Must be Two Witnesses] W.E. Folty Muskogee Okla
Gaffard Fahnoo Nee Manitou Okla.

Subscribed and sworn to before me this 22nd day of December 1906

R. P. Harrison - Clerk
By A. Hellier - Deputy - Notary Public.

Cher 11081

Sarah Leaf

No Dpt. Jacket

Cher 11081

1911
14
97.

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as Cherokee Citizens, of John King, West King and Sarah Leaf, who appear upon the Eastern Cherokee Roll opposites Nos. 16296, 22906 and 16325, and shown not to be upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had near Salina, Oklahoma, January 17, 1911, before Mr. S. A. Mills, on behalf of the Commissioner.

Interpreted by James R. Gourd, of Pryor, Okla., who was first duly sworn.

Examination by Mr. Mills:

Charlie King being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Charlie King; age 61; Salina, Okla.

Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#29679)

Q What is your purpose of appearing before me at this time? A To make application for the enrollment of my son John and my grand-children West King and Sarah Leaf, upon the Final Rolls of the Five Tribes as Cherokee Citizens.

Q Have you any other children who are enrolled upon the Final Rolls of the Five Civilized Tribes? A Yes; Tom, James, Sam, Nancy and Susie. (See F.C.R.#29680-1-2-3-4)

Q Have you any children who are not enrolled? A Yes, one; this boy John--indicating the child.

Q How old is John? A About 14 yearsold.

Q When was John born? the year, month and day if you know? A He was born September 18, I do not know theyear but it was about 14 years ago.

Q Have you any written record of the date of his birth? A No sir; I have no record; I never kept any.

Q Did you ever make application for theenrollment of this your son John heretofore? A No sir.

Q Why not? A At the time they were enrolling I did not believe in it and I never gave myself or any of my family in, but a man by the name of Dave Hair gave us in.

Q Who is the mother of your son John King? A Mary King, she is dead.

Q When did she die? A On the 3rd day of October, 1902.

Q Was she an enrolled Cherokee Citizen? A No sir, she was not.

Q Are you sure that she died on October 3, 1902? A Yes; I am sure of that.

Q Have you a record of that, or has any one else? A No sir, I have no record and I do not know of any one that has. When she was burried we put a head-board at her grave with the date of her death cut into the board and it was there for a long time, but the grass fires burned up the board, so now that is gone.

Q Who was present when this, your son John was born? A "Louisa".

Q Is she now alive or dead? A She is living.

Q Where does she live? where can I find her? A On Elm Prairie, at Lone Cochran, near Leach.

Q You are also making application for the enrollment upon the Final Rolls of the Five Civilized Tribes of your grand-son West King: where is he now? A He lives with me at the present time, but he has gone off visiting now.

Q Who is the father of your grand-son West King? A My son James King.
Q Is he an enrolled Cherokee Citizen? A Yes. (See F.C.R. 24001) He was enrolled by Dave Muir at the same time that I was and the rest of my family.
Q Have you a brother known as James King? A No.
Q Then this grand-son West King, for whom you are now appearing, is the son of your son James King and [illegible].
Q Who is the mother of your grand-son West King? A Lillie King, formerly Dollie Wofford.
Q Is she now alive? A Yes; she and wife and their children are all away visiting.
Q Is this, your daughter-in-law, the mother of your grand-son West an enrolled Cherokee Citizen? A I do not know; I don't think she is. She has no land that I know of. She is a Full Blood Cherokee Indian.
Q How old isyour grand-son West? A About 7 or 8 years old.
Q Has your son James any children who are enrolled upon the Final Rolls of the Five Civilized Tribes? A I do not know.
Q What are the names of the children of your son James King? A West, Maggie and a baby. (See I.C.R.-2290e-7)
Q When was West born? the year, month and day, if you know? A I do not know.
Q Do you know of any one who does? do you know of any written record of the date of his birth being made by any one? A No.
Q Where is West King now? A He is of: with his father and mother visiting.
Q Why didn't your son James King appear and make application for his child West? A He does not know anything about it. He was away and I got your notices yesterday and I was just going down to Locust Grove to try to meet you and attend to it myself for both my son John and James boy West because his father is away visiting and cannot come down himself.
Q Then you are sure beyond any doubt that your son John for whom you are making application for enrollment, is 14 years of age and that your grand-son West is 7 years of age? A Yes; I am sure of that, just as near as I can remember.
Q Are there any other members of your family who are not enrolled upon the Final Rolls of the Five Civilized Tribes? A Yes; I have another grand-child.
Q What is her name? A Sarah Deaf.
Q Who is the mother of that child? A My daughter Nancy. She is now the wife of Jeff. Muir.
Q Who is the father of that child? A [illegible] Deaf.
Q Was your daughter [illegible]

Q Are you sure beyond a doubt that this child, Sarah Leaf, was born in September 1905? A Yes; on her next birthday she will be six years old.
Q Do you know if any application has been made for the enrollment of this child, Sarah Leaf? A No; only on the Eastern Cherokee Roll.
Q Is Cooie Scoole Leaf a full blood Cherokee Indian? A Yes.
Q Where does he live? A Near Tucha.

Sam King being first duly sworn testifies as follows:
Q State your name, age and Post Office address? A Sam King; 24 or 25 years old, Spavinaw, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (Sec F.C.R.#29682)
Q Do you know John King, a Cherokee Indian, the son of Charlie King? A Yes; he is my brother, Charlie King is my father.
Q How old is your brother John? A About 14 yearsold
Q Do you know whether or not he has ever been enrolled upon the Final Rolls of the Five Civilized Tribes as a Cherokee Citizen? A I do not know; I know he has no land. He was enrolled upon the Eastern Cherokee Roll and got part of the Emigrant money.
Q What was John's mother's name? A Mary King.
Q Is John a full brother of yours? A Yes.
Q Where is he now? is he alive? A Yes and living with my father, on big saline Creek.
Q Do you know if there has ever been any application made for his enrollment as a Cherokee Citizen upon the Final Rolls? A No, when they were enrolling my father was opposed to us being enrolled and I understand Dave Muir gave our names in.
Q Do you know of any record as to the date of John's birth whereby we can arrive at a more positive date than that of memory or hearsay? A No.
Q Do you know one West King? A Yes; he is my nephew, my brother James' boy.
Q How old is West? A About seven years old.
Q Do you know the year, month and day he was born? A No, I don't. He will be eight years old on his next birthday.
Q Do you know if any application has been made heretofore for his enrollment upon the Rolls of the Five Civilized Tribes? A No I do not know anything about that; I know he drawed Eastern Cherokee money.
Q Where is West now? A He is away visiting with his father and mother.
Q He is alive then? A Yes.
Q Has he any brothers or sisters? A Yes, Maggie and a baby.
Q Who was the mother of West? A I know the license calls her Dillie Wofford, she is a daughter of Than Wofford, of Tahlequah.
Q About how old is this mother, Dollie? A Somewhere about 22 or 23 years old.
Q Did James King ever live at Dragger, Okla. A He lives on Big saline Creek and gets his mail at Dragger.
Q Do you remember when your mother died? A I remember it was in 1902.
Q Do you know the month? A October 3.
Q How do you fix that date so positively, do you just remember it? A Yes; just remember it. It was cut into the head-board of her grave and we saw it there many times.
Q Where is that head-board that you speak of now, where she was burried? A On Big Saline Creek, but the board was burned up in a grass fire

Nancy Hair being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Nancy Hair; age about 23; Spavinaw, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#29683)
Q What is your purpose of appearing before me at this time? A To make application for the enrollment of my child Sarah.
Q How old is your child Sarah? A Six years old; born September 1905.
Q Have you a written record of that event? A No: I never made a record of it.
Q How do you make the date so positively to be September 1905? A I just remember it; on her last birthday she was five years old.
Q Whatis the name of the father of Sarah? A "Cooie Scoole" Leaf.
Q Is he an enrolled Cherokee Citizen? A Yes, I do not know how he is enrolled.
Q Was he your husband? A No; we just lived together a little while.
Q Is Sarah now living? A Yes; here she is--indicating the child.
Q Who is your present husband? A Jeff Hair. (See F.C.R.#26402)
Q Has any application heretofore been made for the enrollment of your daughter Sarah? A No; only on the Eastern Cherokee Emigrant Roll.
Q Why not? A Because my folks were all opposed to enrolling.
Q Then they were what are known as Night Hawks? A Yes.
Q Who was present when this, your daughter Sarah was born? A No one was present, I had the child alone.
Q I notice that you are enrolled as Nancy King opposite Final Roll No.29683; who was your father? A Charlie King. (F.C.R.#29679)

John King and Sarah leaf were present and appeared to be of the age and blood claimed.

Look up the status of Dollie Wofford, wife of James King, as developed in the foregoing testimony; also look up records in re enrollment of Mary King, deceased wife of Charlie King. See testimony of Charlie King.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in thiscase.

_____

Subscribed and sworn to before me on this 23rd day of January, 1911.

_____
Notary Public.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

30635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN THE APPLICATION FOR ENROLLMENT as a citizen of the Cherokee Nation,

of Sarah Leaf [Have known name of child] born on the 20th day of September 1905.

Name of Father: Louis Leaf a citizen of the Cherokee Nation.

Name of Mother: Nancy Hair a citizen of the Cherokee Nation.

Tribal enrollment of father ..... Tribal enrollment of mother Cherokee Roll No. 29482

Postoffice Sperry Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma

Mayes County, } ss.

I, Nancy Hair, on oath state that I am 23 years of age and a citizen by Blood of the Cherokee Nation;

that I am the lawful wife of Jeff Hair, who is a citizen, by Blood, of the Cherokee Nation; that a female child was born to me on the 20th day of September 1905; that said child has been named Sarah Leaf, and was living March 4, 1906, and is now living and living with me.

Nancy Hair
her mark

WITNESSES TO MARK:

[Sign in Two Witnesses] { W. F. Tully Muskogee Okla.
A. Gillis Muskogee Okla.

Subscribed and sworn to before me this 1st day of January, 1906.

C. F. Kinnear - Clerk
By A. Gillis - Dept. Commissioner

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

..... District.

I, ... a ..... on oath state that I attended on

on the ..... day of ..... born on said date a [Male or Female] child; that said child was living March 4, 1906, and is now living and is the child born to

WITNESSES TO MARK

[Sign in Two Witnesses] { .....
.....

Subscribed and sworn to before me this ..... day of ..... 1906.

.....
Notary Public.

Cher 11082
Polly Lewis

Cher 11082

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as Citizens of the Cherokee Nation, of Polly Lewis and Dick and Dave Wolf, who appear upon the Eastern Cherokee Roll opposite Nos.29664-5-6, and are shown to not appear upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had near Rose, Oklahoma, January 18, 1911, before Mr. S. A. Mills, on behalf of the Commissioner.

Interpreted by James L. Gourd, of Pryor, Okla., who was first sworn.

Pickup Wolf being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Pickup Wolf, about 52 years old; Rose, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See E.C.R.#30679)
Q What is the purpose of you appearing before me at this time? A To make application for the enrollment of my children Dick and Dave Wolf, and my wife's child Polly Lewis.
Q Is your wife an enrolled Cherokee Citizen? A Yes. (See E.C.R. #32069)
Q Have youever made application heretofore for the enrollment of your two sons, Dick and Dave Wolf, and your wife's daughter Polly Lewis, before the Dawes Commission for enrollment upon the Final Rolls of the Five Civilized Tribes as Cherokee Citizens? A Not before the Dawes Commission but did for the eastern Cherokee payment.
Q Were these children enrolled upon the Eastern Cherokee Roll for that Eastern Cherokee Payment? A Yes. (See E.C.R.#29664-5-6)
Q Have you any children who were enrolled upon the Final Rolls of the Five Civilized Tribes by the Dawes Commission? A Yes; one.
Q What was that child's name? A Melton Wolf. (See E.C.R.#32341)
Q Did you make application for yourself and your wife and your child Melton before the Dawes Commission for enrollment? A No; somebody gave our names in, I do not know who.
Q Then whoever gave in the name of yourself, your wife and your son Melton did not give in all the names of your family? A No; not that I know of; if they did I do not know it.
Q Then you have two children of your own by your wife Eliza and she has a daughter who were not enrolled upon the Final Rolls of the Five Tribes, or enrolled by the Dawes Commission? A Yes.
Q How old is your son Dick? A Eight yearsold.
Q What year and day was he born? A 7th day of April, 1903.
Q How old is Dave? A Five years old past; six years old next birthday.
Q How old is Polly Lewis, your wife's child, if you know? A About 20 years old.
Q Have you a written record of the dates of the birth of these children? A Yes; as to dick and Dave, but not for Polly, she is not my child and I have no record for her only what my wife tells me and what I hear.

Here witness submits Family Record showing in Cherokee and interpreted by the interpreter to read--

"Dick Lewis born April 7, 1903.
Dave Lewis born Feb. 28, 1905.

Q Are your children Dick and Dave and your wife's daughter Polly Lewis now alive? A Yes; here they are.(Indicating the three children). They are living with us.
Q Why did you not heretofore make application for the enrollment of these children? A I didn't believe in it.

Eliza Wolf being first duly sworn testifies as follows:
Q State your name, age and Post Office address? A Eliza Wolf; 41 years old, Rose, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See P.O. R.#32069)
Q Are you the wife of Pickup Wolf? A Yes.
Q Are you the mother of Polly Lewis? Dick and Dave Wolf, for whom your husband is nowmaking application for enrollment upon the Final Rolls of the Five Civilized Tribes? A Yes.
Q How old is your daughter Polly Lewis? A About 20 years old.
Q Who is the father of Polly Lewis? A Joe Lewis, also sometimes called Joe Dirteater.
Q Is he a Cherokee Citizen? A Yes; a full blood.
Q Were you ever the wife of Joe Dirteater? A No.
Q How old is your son Dick Wolf? A Eight years old.
Q How old is your son Dave Wolf? A Five years old.
Q Have you a written record of those dates? A My husband has the date of the birth of our sons Dickand Dave, but have no record of the date of the birth of Polly. (Witness refers to the Family Record submitted by Pickup Lewis.)
Q Who made this record (indicating the record)? A My husband, Pickup Wolf.
Q When did he make it? A After the boys were born.
Q Did you ever have a record of the date of the birth of Polly Lewis? A No; I have kept no record of that.
Q Do you know if any application has ever been made for the enrollment of your daughter Polly Lewis? A No; I do not know anything about that.
Q Do you know anything of any effort being made for the enrollment of your boys Dick and Dave? A No; I don't know anything about that.
Q Are these three children of yours, Polly, Dick and Dave, now all alive? A Yes; all living with us, there they are (indicating the children).
Q Who was present when these children were born? A No one was present when Polly was born, I had her alone, and my husband was with me when Dick and Dave were born.

Further testimony by Pickup Wolf:
Q You stated ~~yo~~ in your testimony that your son Melton was enrolled: where is that son now? A He is dead.
Q When did he die? A Apr. 1, 1906.
Q Do you know whether or not he was allotted any lands by the Dawes Commission? A I do not know.
Q Have you ever received any patents or deeds for your dead son's land? A I do not know anything at all about it, whether he got any land or not, or any deeds.

Polly, Dick and ~~Dave~~ Dave are present and appear to be of the ages and blood claimed. Polly appears to be incompetent.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 23rd day of January, 1911.

Edward L Merrick
Notary Public.

Bishop & Eliza have not sold their deeds - want them.

(COPY)

M E M O R A N D U M.

Cher. J. 150.

a Polly Lewis, P. O. Rose, Okla., 20 years old, name on Eastern Cher. roll, No. 29664, not on F. C. T. rolls, an illegitimate and incompetent daughter of Eliza Wolfe, Cher. full blood roll No. 32069 by one Joe Lewis, also sometimes called Joe Dirteater, Cher. full blood No. 18871.

b Dick Wolfe, P. O. Rose, Okla., born April 7, 1903, on Eastern Cher. roll No. 29665, not on F. C. T. rolls.

C Dave Wolfe, P. O. Rose, Okla., born Feb. 28, 1905, on Eastern Cher. roll No. 29666, not on F. C. T. rolls.

Eliza Wolfe, Cher. full blood roll No. 32069, is the married mother of Dick and Dave Wolfe whose father is Pickup Wolfe, Cher. full blood No. 30679, whose family was arbitrarily allotted and as the parents did not believe in enrollment, they made no application for these children who were not encluded in the arbitrary enrolment of the family.

Brother -- Melton Wolfe, Cher. full blood roll No. 32341, 1 year old.

Recommended that Polly Lewis, Dick Wolfe and Dave Wolfe, be enrolled as Cherokee full blood citizens.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT 1913

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Polly Lewis (Incompetent), born on the ..... day of about 1891.
(Here insert name of child)
Name of Father Joe (Lewis) Whitestar a citizen of the Cherokee Nation.
Name of Mother Eliza Wolf a citizen of the Cherokee Nation.
Tribal enrollment of father Cherokee Roll of 1896 Tribal enrollment of mother Cherokee Roll No. 32069
Postoffice Rose, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Mayes County ~~District.~~
I, Eliza Wolf, on oath state that I am 41 years of age and a citizen by blood of the Cherokee Nation; that I am the lawful wife of Pickup Wolf, who is a citizen, by blood of the Cherokee Nation; that a Female child was born to me on ..... day of about 1891.; that said child has been named Polly Lewis and was living March 4, 1906 and is now alive and living with me. Eliza X Wolf
(Male or Female) mark
Final Roll No 32069

WITNESSES TO MARK:
[Must be Two Witnesses] N. E. Folty, Muskogee, Okla,
S. A. Mills, Muskogee, Okla.

Subscribed and sworn to before me this 18th day of January 1907.
Seal
P. P. Harrison - Clerk
~~Notary Public.~~
By S. A. Mills, Deputy

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
..... District.

I, ..., a....., on oath state that I attended on ....., wife of..... on the .....day of..... 1..... that there was born to her on said date a..... (Male or Female) child: that said child was living March 4, 1906, and is said to have been named.....

.....

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this ..... day of ..... 1906.

.....
Notary Public.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Dick Wolf [Here insert name of child;] born on the 7th day of April 1903

Name of Father: Pickup Wolf a citizen of the Cherokee Nation.

Name of Mother Eliza Wolf a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee, Roll No. 30679 Tribal enrollment of mother Cherokee Roll No. 32069

Postoffice Rose Oklahoma.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Mayes County ~~District.~~

I, Eliza Wolf on oath state that I am 41 years of age and a citizen by blood of the Cherokee Nation; that I am the lawful wife of Pickup Wolf, who is a citizen, by blood of the Cherokee Nation; that a male [Male or Female] child was born to me on 7th day of April 1903 that said child has been named Dick Wolf and was living March 4, 1906, and is now alive and living with me. her Eliza X Wolf mark Tribal Roll No. 32069

WITNESSES TO MARK:

[Must be Two Witnesses] { D. E. Folty, Muskogee, Okla
S. A. Mills, Muskogee, Okla

Subscribed and sworn to before me this 18th day of January 1911

Seal

R. P. Harrison - Clerk
~~Notary Public~~
By S. A. Mills, Deputy

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Mayes County ~~District.~~

I, Pickup Wolf a ..... on oath state that I attended on Eliza Wolf my wife of on the 7th day of April 1903; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Dick Wolf who is now alive and living with my wife and I. his Pickup X Wolf mark

WITNESSES TO MARK:

[Must be Two Witnesses] { D. E. Folty, Muskogee Okla
S. A. Mills, Muskogee Okla.

Subscribed and sworn to before me this 18th day of January 1911

Seal

R. P. Harrison, Clerk
~~Notary Public.~~
By S. A. Mills - Deputy

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Dave Wolf (Here insert name of child) born on the 28th day of February 1905
Name of Father: Pickup Wolf a citizen of the Cherokee Nation.
Name of Mother: Eliza Wolf a citizen of the Cherokee Nation.
Tribal enrollment of father Cherokee Roll No. 32079 Tribal enrollment of mother Cherokee Roll No. 32069
Postoffice Rose, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Mayes County ~~District.~~

I, Eliza Wolf on oath state that I am 41 years of age and a citizen by blood, of the Cherokee Nation; that I am the lawful wife of Pickup Wolf who is a citizen, by blood of the Cherokee Nation; that a male (Male or Female) child was born to me on 28th day of February 1905; that said child has been named Dave Wolf and was living March 4, 1906, and is now alive and living with me. her Eliza X Wolf mark First Roll No 32069

WITNESSES TO MARK:
[Must be Two Witnesses] W. C. Folty, Muskogee, Okla.
S. A. Mills, Muskogee Okla.

Subscribed and sworn to before me this 18th day of January 1911.

(Seal) R. P. Harrison - Clerk.
By S. A. Mills, Deputy ~~Notary Public.~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Mayes County ~~District.~~

I, Pickup Wolf a ~~Physician~~ on oath state that I attended on Eliza Wolf my wife of on the 28th day of February 1905; that there was born to her on said date a male (Male or Female) child; that said child was living March 4, 1906, and is said to have been named Dave Wolf, that is now alive and living with my wife and I. his Pickup X Wolf mark

WITNESSES TO MARK:
[Must be Two Witnesses] W. C. Folty, Muskogee Okla.
S. A. Mills, Muskogee Okla.

Subscribed and sworn to before me this 18th day of January 1911.

Seal R. P. Harrison ~~Notary Public.~~
By S. A. Mills Deputy

Cher 11083

John L. Liver

Cher 11083

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Stilwell, Oklahoma, November 10, 1910.

In the matter of the application for the enrollment as a Cherokee citizen of John L. Liver, who appears on the Eastern Cherokee Roll, but does not appear on the final roll of the Commissioner to the Five Civilized Tribes.

Testimony taken before George Reed,
Clerk of the Commissioner of Indian Affairs.

Jackson Liver, being first duly sworn, testfied as follows:

through R. L. Taylor, United States Indian policeman of Westville, Oklahoma, interpreter:

Q What is your name, age, and postoffice address?
A Jackson Liver,, 38 years of age; Stilwell, Oklahoma.
Q Are you an enrolled Cherokee citizen?
A Yes sir (see Cherokee roll No. 19028).
Q Are you the father of a child named John L. Liver? A Yes.
Q Who is the mother? A Betty Liver .
Q Is she an enrolled Cherokee citizen?
A Yes sir (Cherokee Roll No. 25649)
Q Who are you making application for the enrollment of?
A My boy John.
Q When was John born? A April 1, 1905.
Q Is he now over five years of age?
A Yes, he will be six years old next April.
Q Have you a record book, family bible or other book showing the date of the birth of your son John L. Liver?
A No sir.
Q Was any doctor in attendance at the birth of John?
A No sir.
Q Who was present? A Ailey Hooper.
Q Is Ailey Hooper an enrolled citizen?
A Yes sir (Cherokee Roll No. 26747)
Q Is your son John now living? A Yes (indicating child)
Q Is he living with you? A Yes, he's living with me.
Q Are you and Betty Liver living together? A Yes sir.
Q Did you ever make application for the enrollment of this child
A No, I was under the belief he was too late.
Q Did you know any child born prior to March 4, 1906 and after September 1, 1902, was entitled to enrollment? A No sir.

Witness excused.

Ailey Hooper, being first duly sworn testified as follows:

Q What is your name, age and postoffice address?
A Ailey Hooper; about 46 years, postoffice Stilwell, Oklahoma.

Q Do you know Jackson Liver and Betty Liver? A Yes.
Q Are they Cherokee citizens? A Yes.
Q Do you know their son John L. Liver? A Yes.
Q Are they all full blood Cherokee Indians? A Yes.
Q Are you an enrolled citizen of the Cherokee Nation?
A Yes (Cherokee Roll No. 26747)
Q Were you present at the birth of John L. Liver, the son of Jackson and Betty Liver? A Yes sir.
Q Did you act in the capacity of midwife? A Yes.
Q When was that? A Over five years ago.
Q How old is this John L. Liver? A Over 5 years old
Q What year, month and day was he born, if you know?
A I don't know the year or month; I know its over 5 years ago.
Q Have you any record of the date of the birth of this John L. Liver? A No sir.
Q Do you know anybody who has? A No.
Q You are quite sure are you, that this child John L. Liver is about 5 years old? A Yes, I remember it.

Witness excused.

The child, John L. Liver was present and appeared to be of the blood and age represented.

I, S. A. Mills, hereby certify that the above and foregoing is a true and correct copy of my long hand notes taken in the above entitled enrollment case, at Stilwell, Oklahoma, on November 10, 1910.

S A Mills

Subscribed and sworn to before me this 9 day of December, 1910.

D. P. Harmon
Clerk of the United States Court
for the Eastern District of
Oklahoma,
By D W Brannon
Deputy.

YMC

90635

40.

OFFICE OF INDIAN AFFAIRS
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MEMORANDUM.

John B. Liver, minor full blood Cherokee, born April 1, 1905, still living, produced at the hearing and appeared to be of the age and quantum of Indian blood claimed.

The name John B. Liver appears on the Eastern Cherokee roll, No. 17205 but not on P. C. T. roll.

Father- Jackson Liver, P. O. Stilwell, Okla., full blood Cherokee, Roll No. 19028.

Mother- Bettie Liver, full blood Cherokee, Roll No. 25649.

Witnesses- November 10, 1910, father, mother and midwife named Ailey Hooper of Stilwell, Okla.

No prior application made by the father because "I was under the belief he was too late".

Birth affidavit filed.

Both parents being enrolled full blood Cherokee and the child having been born prior to March 4, 1906 and living on that date, and being produced as proof of statements made, it is recommended that John B. Liver be enrolled as a minor full blood Cherokee.

~~199~~

Act of Congress approved April 26, 1906

IN RE

Application for Enrollment of

Minor

~~[redacted]~~ CHILD

John L Liver

as a citizen of

Cherokee Nation.

Approved 190

..... Commissoner.

COPY

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Enrollment of Minors. Act of Congress approved April 26, 1906

In Re Application for Enrollment, as a citizen of the Cherokee Nation,

of John L. Liver (Here insert name of child), born on the 1st day of April, 1905

Name of Father: Jackson Liver a citizen of the Cherokee Nation.

Name of Mother: Bettie Liver a citizen of the Cherokee Nation.

Tribal enrollment of father Cher full B. 19028
Tribal enrollment of mother Cher full B 20649 Post-office Stilwell Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Adair County, State of Oklahoma

I, Bettie Liver, on oath state that I am 29 years of age and a citizen, by blood, of the Cherokee Nation; No 20649 that I am the lawful wife of Jackson Liver, who is a citizen, by blood, of the Cherokee Nation; that a male (Male or female) child was born to me on 1st day of April, 1905; that said child has been named John L. Liver, and is now living. March 4, 1906 and is still living with me.

Bettie Liver
her
Bettie X Liver
mark

WITNESSES TO MARK:

(Must be Two Witnesses)
Charles Wilson, Westville Ok.
Rebecca Scraper, Lyons Ok.

Subscribed and sworn to before me this 19th day of Nov. 1910

(Seal)

R. P. Harrison, Clerk,
By Charles Wilson Deputy.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
Adair County, State of Oklahoma

I, Ailey Hooper, a Cherokee full blood, No 7747, on oath state that I attended on Bettie Liver, wife of Jackson Liver on the 1st day of April, 1905; that there was born to her on said date a male (MALE OR FEMALE) child; that said child was now March 4, 1906 living and is said to have been named John L. Liver and is living with its parents.

her
Ailey X Hooper
mark

WITNESSES TO MARK:

(Must be Two Witnesses)
Charles Wilson, Westville Ok
Rebecca Scraper, Lyons Ok

Subscribed and sworn to before me this 19th day of Nov. 1910

(Seal)

R. P. Harrison, Clerk
By Charles Wilson, Deputy.

Department of the Interior.
Commission to the Five Civilized Tribes.
Stilwell, Oklahoma.
December 14,1910.

In Re Application for Enrollment as a citizen of the Cherokee Nation of John L. Livers, shown upon the Eastern Cherokee Roll opposite #17205, but not shown upon the Final Roll of the Five Civilized Tribes.

- - - - - - - - - - -

Jackson Liver, being first duly sworn, testified as follows, through Thomas P. Roach, Interpreter:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q What is your name, age and post-office? A Jackson Liver; age thirty-eight years; post-office, Stilwell, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #19028)
Q What is your wife's name? Bettie Liver.
Q Is she an enrolled Cherokee citizen? A Yes. (Cherokee Roll #25649)
Q Have you any children who are enrolled as Cherokee citizens?
A Yes, two; Joe Martin Liver, (Cherokee Roll #25650), and Eliza Liver (Cherokee Roll #1919-M)
Q Have you any children who are not enrolled? A Yes, one; John L. Liver.
Q Did you draw Eastern Cherokee money for him? A Yes.
Q Eastern CherokeeRoll #17205)
Q When was your son, John L. Liver, born? A Born on April 1, 1905 .
Q Have you a written record of that date? A No, sir; I only remember it.
Q Who was present when your son, John L. Liver, was born?
A Alie Hooper.
Q Have you ever made application heretofore for the enrollment of John L. Liver, your son, to the Dawes Commission?
A No, sir; I didn't know that this child could be enrolled until I received a notice from you when you were here before.
Q Is this child now living? A Yes, living with me at home.

- - - - - - - - - - -

W. H. Byrd, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W H Byrd

Subscribed and sworn to before me on this 3rd day of January, 1911.

R P HARRISON Clerk
By P A [illegible] Deputy

Department of the Interior.

Commissioner to the Five Civilized Tribes.

Stilwell, Oklahoma, December 15, 1910.

In Re application for the enrollment as Cherokee Citizen of John L. Liver, as shown upon the Eastern Cherokee Roll opposite Roll No. 17205, and no shown upon the final Roll of the Five Civilized Tribes.

R. L. Taylor, U. S. Indian Policeman, of Westville, Okla. acting as Interpreter.

Examination by Mr. S. A. Mills on behalf of the Commissioner:

Bettie Liver being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Name, Bettie Livers, Age 28 years old, Post Office address Stilwell Okla.
Q Are you married and have a family? A Yes Sir.
Q Are you an enrolled Cherokee Citizen? Yes Sir. (See Final Cherokee Roll No.25649).
Q What is your husband's name? A Jackson Liver.
Q Is he an enrolled Cherokee Citizen? A Yes. (See Final Cherokee Roll No. 19028).
Q Have you any children who are enrolled Cherokee citizens? A Yes Sir, Joe M. and Elisa. (See Final Cherokee Roll Nos.25650 and Elisa 1919 M).
Q Have you any children who are not enrolled? A Yes, this boy, John L.
Q When was John L. Liver, your son, born, the year, day and month? A I do not know what year.
Q How old is your son John on his next birthday? A He was six years old last April.
Q Have you any record, family bible or otherwise showing the date of the birth of your son John? A No.
Q How do you fix the age of your son John to be six years old the 1st day of last April; how do you determine the time? A I fix the time by the fact that my brother-in-law George Liver had a son born thesame day.
Q Have you any way of determining the date of the birth of your son other than that of your memory? A No Sir.
Q Have you a record of the dates of the birth of your other children? A No Sir.
Q Who was present at the birth of your son John? A My aunt, Ailey Hooper.
Q How much time elapsed between the birth of Elisa, who is enrolled, and this your son John who is not enrolled? A A little over two years.

The child is present and has the appearance of being of the blood and age claimed.

Ailey Hooper being firstduly sworn testified as follows:

Q State your name, age and Post Office address? A Ailey Hooper, Age about 36 years, Post Office Stilwell, Okla.
Q Are you an enrolled Cherokee Citizen? Yes Sir. (See Final Cherokee Roll No. 26747).
Q Are you well acquainted with a JacksonLLiver and his wife Bettie? A Yes sir.
Q Was you present at the birth of their son named John L. Liver? A Yes Sir, as a midwife.
Q Is that boy John L. Liver nowalive? A Yes, living with his parents.
Q When was John L. Liver, the son of Jackson L. Liver and Bettie, born? the year, month and day? A Born on the first day of April, but I don't know the year.
Q How old was he at his last birthday, do you know? A He was five years old the first of last April.
Q Have you any record of the date of the birth of this child John L. Liver? A Nothing but just my memory.
Q Can you fix that event in conjunction of some other event whereby you can arrive at the time or year? A I have a child here who was five years old last November and the child John L. Liver was born the April before.
Q You are quite positive that John L. Liver is past five years old. A Yes Sir.
Q Do you know if this child, John L. Liver, has heretofore been enrolled and has application been made for his enrollment? A I do not know.

W. E. Folts, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in said case.

W. E. Folts

Subscribed and sworn to before me on this 3rd day of January, 1911.
R. P. Harrison, Clerk.

By Edward McCord
Deputy.

(COPY)

Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as a Cherokee citizen of John L. Liver, taken in the course of my investigation.

Respectfully,

Enc L-53

Assistant Attorney.

Cher 11084

Charlotte McCarter

Cher 11084

Department of the Interior.
Commission to the Five Civilized Tribes.
December 13, 1910.

In Re Application for Enrollment as citizens of the Cherokee Nation of Charlotte, Sampson, and Nancy McCarter, shown upon the Eastern Cherokee Roll opposite numbers 17579, 17580, and 17581, but do not appear upon the Final Roll of the Five Civilized Tribes.

- - - - - - - - - -

Clem McCarter, being first duly sworn, testified through Thomas P. Roach, Interpreter, as follows:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q State your name, age and post-office address? A Clem McCarter; about thirty years old, post-office Proctor, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #18398)
Q Are you married? A Yes.
Q What is your wife's name? A Susie McCarter.
Q Is she enrolled as a Cherokee citizen? A Yes. (Cherokee Roll #18899)
Q Have you any children who are not enrolled as Cherokee citizens? A Yes.
Q What are their names and ages? A Charlotte, born March 16, 1901, (Eastern Cherokee Roll #17579); Sampson, born along in October, 1903. (Eastern Cherokee Roll #17580) and Nancy, born December 1, 1905, (Eastern Cherokee Roll #17581).
Q Have you any written record of the dates of the birth of these children? A No, sir; I have no education and did not keep any record.
Q How do you fix the dates of the birth of these children so positively? A They are my children, and I know when they are born.
Q Who was present when these children were born? A No one, but myself.
Q Did each of these children draw their share of the Eastern Cherokee Payment money, as made by--made this summer? A Yes; we drew for each of them.
Q Are these children all now living? A Yes, here they are (indicating children)
Q Have you ever made application for their enrollment heretofore? A No, sir.
Q Why? A Because we were opposed to it and did not believe in it; we are Nighthawks.

- - - - - - - - - -

Susie McCarter, being first duly sworn, testified through Thomas P. Roach, Interpreter, as follows:
Q What is your name, age and post-office address?

A Susie McCarter; about thirty years old; post-office Proctor, Oklahoma.
Q Are you the lawful wife of Clem McCarter? A Yes, sir.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #18899).
Q What family have you? A Three children, Charlette, Sampson and Nancy.
Q Are these children enrolled? A I don't know.
Q Where are these children? A Here. (Indicating)
Q Do they live with you? A Yes, we are raising them.
Q How old is Charlotte? A About nine years old.
Q Do your member what month, year and day she was born?
A March, nine years ago.
Q How old is Sampson? A Seven years old.
Q When was he born? A ~~December~~ October, six years ago.
Q How old is Nancy? A She is five years old, going on six.
Q When was she born? A December.
Q Have you a record of the dates of the birth of these children? A No, sir; I have no record.
Q How do you know the ages of these children as you have states here without a record? A They are my children and I remember when they were born and know how old they are.
Q Then, the ages you habe given as Charlotte nine years, Sampson, seven years, and Nancy, five years, is corract?
A Yes, sir.
Q Have you--do you know if any application has heretofore been made for the enrollment of these children? A I don't know anything about that.
Q Have you people been opposed to enrollment and allotment of your children? A Yes.
Q Who were present when these children were born to you?
A No one but my husband; we were alone and didn't have anybody.

Note: The father and mother of these children were Nighhawks and it was next to impossible to approach them on the subject of the enrollment of their children. The children were present and seemed to be of the ages and blood claimed.

- - - - - - - - - - - - -

W. H. Byrd, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W H Byrd

Subscribed and sworn to before me on this the 3rd day of ~~December~~ January, 1914.

H. P. HARRISON Clerk

By P. A. Harrison Deputy

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

90635

IN RE APPLICATION FOR ENROLLMENT, as Citizens of the Cherokee Nation, of Charlotte, Sampson and Nancy McCarter, who appear upon the Eastern Cherokee Roll opposite Nos. 17579, 17580 and 17581, and are shown to not appear upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had at Tahlequah, Oklahoma, Nov. 19, 1910 by Mr. George Reed, on behalf of the Commissioner.

Interpreted by R. L. Taylor, Indian Policeman, of Westville, Okla.

Examination by Mr. Reed:

Mary Pumpkin being first duly sworn, testifies as follows:

What is your name, age and Post office address? A Mary Pumpkin, are about 50 years old; P.O., Proctor, Okla.

Q Are you an enrolled Cherokee citizen? A Yes. (See N.B.#14579)

Q Do you know Cleve, and his wife, Susie McCarter? A Yes.

Q Have they three children, Charlotte, Sampson and Nancy? A Yes.

Q Did you wait on Susie McCarter when any of her children were born? A Yes, when Sampson and Nancy were born.

Q When was Sampson born? A I think Sampson was born eight years ago this month.

Q When was Nancy born? A Over five years ago.

Q Was anybody present besides you when Sampson and Nancy were born? A Just the mother and father.

Q Are both Sampson and Nancy living with their parents now? A Yes.

Q Have Cleve and Susie McCarter another child named Charlotte? A Yes.

Q How old is Charlotte? A About ten years old.

Q Is she older than Sampson and Nancy? A Yes.

Q Was you present when Charlotte was born? A No; but I saw her when she was about one month old.

W. F. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W. F. Foltz

Subscribed and sworn to before me on this 11th day of January, 1911.

L. P. Harrison, Clerk.

By Edward C. Reed
Deputy.

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MEMORANDUM.

Cher.T. 96.

a. Charlotte McCarter, P.O., Proctor, Oklahoma, on Eastern Cherokee Roll No. 17579, not on Five Civilized Tribes rolls, born March 16, 1901. Enrolled Dec 13 1910

b. Sampson McCarter, P.O., Proctor, Oklahoma, on Eastern Cherokee Roll No.17580, not on Five Civilized Tribes, born October - 1903. Enrolled Dec 13, 1910

c. Nancy McCarter, P.O., Proctor, Oklahoma, on Eastern Cherokee Roll No. 17581, not on Five Civilized Tribes Rolls, born December 1, 1905. Enrolled Dec 13 1910

Father - Clem McCarter, Cherokee full-blood, Roll No. 18898.

Mother - Susie McCarter, Cherokee full-blood, Roll No. 18899.

Witness - Mary Pumpkin of Proctor, Oklahoma, midwife.

Recommended that Charlotte McCarter, Sampson McCarter and Nancy McCarter be enrolled as minor Cherokee full-bloods.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR. 99635

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Nancy McCarter, born on the ....day of ....

[Here insert name of child]

Name of Father: Sam McCarter, a citizen of the Cherokee Nation, No 8898

Name of Mother: Susie McCarter, a citizen of the Cherokee Nation, No 8899

Tribal enrollment of father....Tribal enrollment of mother....

Postoffice....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
.... District.

I, ..., on oath state that I am....

years of age and a citizen by...., of the.... Nation;

that I am the lawful wife of...., who is a citizen, by

...., of the....Nation; that a ....child was
[Male or Female]

born to me on....day of....1....; that said child has been named

.... and was living March 4, 1906.

....

WITNESSES TO MARK:

[Must be Two Witnesses] ....
....

Subscribed and sworn to before me this....day of.... 1906.

....
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory.~~ State of Oklahoma
Cherokee County.... District.

I, Mary Pumpkin Dec 6, 1879, a midwife, on oath state that I attended on Susie McCarter, wife of Sam McCarter, ~~on the .... day of ....~~ over five years ago, that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Nancy McCarter and is still living with its parents.

her
Mary X Pumpkin
mark

WITNESSES TO MARK:

[Must be Two Witnesses] George Reed 1488 Newton St. Washington D.C.
R. L. Taylor Westfield Ark

Subscribed and sworn to before me this 19th day of November 1906

R. P. Harrison - Chief
By S. Ellis - Deputy
Notary Public

OF INDIAN AFFAIRS
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BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Sampson McCarter [Here insert name of child] born on the ....day of ....1....

Name of Father: Alum McCarter a citizen of the Cherokee Nation. No. 18898

Name of Mother: Susie McCarter a citizen of the Cherokee Nation. No. 18899

Tribal enrollment of father.....Tribal enrollment of mother.....

Postoffice.....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
..... District.

I, ..., on oath state that I am.....

years of age and a citizen by....., of the..... Nation;

that I am the lawful wife of....., who is a citizen, by

....., of the.....Nation; that a .....child was [Male or Female]

born to me on.....day of.....1.....; that said child has been named

..... and was living March 4, 1906.

.....

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this.....day of..... 1906.

.....
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, State of Oklahoma
Cherokee County. District.

I, Mary Pumpkin Dec. 6. 1879 a midwife, on oath state that I attended on Susie McCarter, wife of Alum McCarter on the about eight years ago day of ....; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Sampson McCarter and said child is living with its parents.

her
Mary Pumpkin
mark

WITNESSES TO MARK:

[Must be Two Witnesses] Geo. Lee 1485 Newton St. Washington D.C.
R. L. Taylor Westville Okla

Subscribed and sworn to before me this 19th day of November 1910

R. P. Harrison Clerk
By A. Gillis Deputy
Notary Public

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR. 90635

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Charlotte McCarter (Here insert name of child) born on the 16th day of March 1901

Name of Father: Clem McCarter a citizen of the Cherokee Nation.

Name of Mother Susie McCarter a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll # 18898. Tribal enrollment of mother Cherokee Roll # 18899.

Postoffice Porter Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~ State of Oklahoma,
Cherokee County ~~District~~.

I, Susie McCarter, on oath state that I am 30 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful wife of Clem McCarter, who is a citizen, by Blood, of the Cherokee Nation; that a Female (Male or Female) child was born to me on or about the 16th day of March, 1901.; that said child has been named Charlotte McCarter and was living March 4, 1906. but is now alive and living with me

her
Susie X McCarter
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { W. H. Byrd, Tahlequah, Okla
Thomas P. Reed Muskogee Okla

Subscribed and sworn to before me this 13th day of December 1910

R. P. Harrison - Clerk
By A. Miller - Deputy ~~Notary Public~~.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~ State of Oklahoma,
Cherokee County ~~District~~.

I, Clem McCarter, a ..... on oath state that I attended on Charlotte McCarter my wife of on the 16th day of March 1901.; that there was born to her on said date a Female (Male or Female) child; that said child was living March 4, 1906, and is said to have been named Charlotte McCarter but is now alive living with its mother

his
Clem X McCarter
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { W. H. Byrd, Tahlequah, Okla
Thomas P. Reed Muskogee Okla

Subscribed and sworn to before me this 13th day of December 1910

R. P. Harrison - Clerk
By A. Miller - Deputy Notary Public.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR. 90635

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Dempsey McCarter born on the day of October 1903.
[Here insert name of child]

Name of Father: Clem McCarter a citizen of the Cherokee Nation.

Name of Mother Susie McCarter a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee, Roll # 18898. Tribal enrollment of mother Cherokee, Roll # 18899

Postoffice Proctor Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Cherokee County ~~District~~.

I, Susie McCarter on oath state that I am 30 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful wife of Clem McCarter, who is a citizen, by Blood of the Cherokee Nation; that a Male child was born to me on day of October 1903.; that said child has been named Dempsey McCarter and was living March 4, 1906. and is now alive and living with me.

her
Susie X McCarter
mark

WITNESSES TO MARK:

[Must be Two Witnesses] W H Byrd, Tahlequah, Okla.
Thomas P. Roach Muskogee Okla

Subscribed and sworn to before me this 13th day of December 1906

R. P. Harrison - Clerk
By A Miller - Deputy ~~Notary Public~~.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Cherokee County ~~District~~.

I, Clem McCarter, a ..., on oath state that I attended on Susie McCarter my wife of on the day of October 1903.; that there was born to her on said date a Male child; that said child was living March 4, 1906, and is said to have been named Dempsey McCarter and he is now alive living with his mother.
[Male or Female]

his
Clem X McCarter
mark

WITNESSES TO MARK:

[Must be Two Witnesses] W H Byrd, Tahlequah, Okla
Thomas P. Roach Muskogee Okla

Subscribed and sworn to before me this 13th day of December 1906

R. P. Harrison - Clerk
By A Miller - Deputy ~~Notary Public~~.

BIRTH AFFIDAVIT. 199

JUL 24 1913

DEPARTMENT OF THE INTERIOR, 90635

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Nancy McCarter [Note: insert name of child] born on the 1st day of December 1905.

Name of Father: Clem McCarter a citizen of the Cherokee Nation.

Name of Mother: Susie McCarter a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll No 18898. Tribal enrollment of mother Cherokee Roll No 18899

Postoffice Proctor, Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Cherokee County District.

I, Susie McCarter, on oath state that I am 30 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of Clem McCarter, who is a citizen, by Blood of the Cherokee Nation; that a Female [Male or Female] child was born to me on ~~or about the~~ 1st day of December 1905; that said child has been named Nancy McCarter and was living March 4, 1906, and is now alive ~~or~~ living with me.

her
Susie X McCarter
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { W H Byrd, Tahlequah, Okla
Thomas P. Roach Muskogee Okla.

Subscribed and sworn to before me this 13th day of December 1905

P. P. Harrison - Clerk
By R. Willis Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Cherokee County District.

I, Clem McCarter, a ..... on oath state that I attended on Susie McCarter ~~my~~ wife of ..... on the 1st day of December 1905; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Nancy McCarter and is now alive ~~or~~ living with its mother.

his
Clem X McCarter
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { W H Byrd, Tahlequah, Okla.
Thomas P. Roach Muskogee Okla

Subscribed and sworn to before me this 13th day of December 1905

P. P. Harrison - Clerk
By R. Willis - Deputy - Notary Public.

Cher 11085

Jack McCoy

Cher 11085

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

90635

IN RE APPLICATION FOR ENROLLMENT, as Cherokee Citizen, of Jack McCoy, as shown upon the Eastern Cherokee Roll opposite No.17685, and as shown to be not upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had at Vian, Oklahoma, December 23, 1910, by S. A. Mills, on behalf of the Commissioner.

Interpreter by Thomas P. Roach, Official Interpreter, of Muskogee, Oklahoma.

Examination by Mr. Mills:

Alex. McCoy Jr. being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Alex. McCoy Jr., age about 33, Post Office Vian, Okla.

Q Are you an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.#21117)

Q Have you a family? A Yes sir.

Q What is your wife's name? A Yahni.

Q What are your childrens names? A Levi and Jack.

Q Is your wife and levi, and Jack enrolled Cherokee Citizens? A My wife and Levi are enrolled, but Jack is not. (See F.C.R.#21118 and 21119) Also one who is dead, she died just after she was enrolled, Eva. (See F.C.R.#21120)

Q Was your son Jack enrolled upon the Eastern Cherokee Roll and did he participate in the payment of the Eastern Cherokee Emigrant fund? A Yes. (See E.C.R. #17685)

Q Have you ever made application for the enrollment of your son Jack upon the Final Rolls of the Cherokee Nation before the Dawes Commission? A No sir.

Q Why not? A Because I was told the child was too late.

Q You have stated in response tomy question that you have never heretofore made application for the enrollment of your son Jack. Did you write a letter to the Dawes Commission some time in Feb. 1909, asking the Dawes Commission to advise you as to the status of the enrollment of your child Jack? A I received a letter from the Department inquiring as to this child Jack and I wrote the Commission asking them to be advised as to his enrollment and I got an answer, but I didn't do anything more about it.

Q Why didn't you reply to the letter you said you received in reply to the one you sent to the Dawes Commission and take such steps as might have been necessary to complete the application for the enrollment of your child Jack? A I was informed by some people that it was too late.

Q Is this child Jack, in whose behalf you wrote the Dawes Commission, and this son Jack for whom you are making application for enrollment upon the Final Rolls of the Five Civilized Tribes, one and the same person? A Yes sir.

Q When was your son Jack born, what year, month and day? A He was born Feb. 26, 1904.

Q Have you a record of the date of that childs birth? A Yes sir; I have it at home?

Q Why didn't you bring that record? A I overlooked it.

Q Who was present at the time of your son Jack's birth? A No one but myself.

Q Can youmot fix the date of the birth of your son Jack by some event? A No sir; I cannot. I just remember the child was born at that time.

Q Will you send me a certified copy of that record or that record itself, to Muskogee, so that I may make a record from your record of the date of the birth of your son Jack for us in this case? A Yes sir; I will send it.

Yahni McCoy being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Yahni McCoy, about 30 years old, Post Office Vian, Okla.
Q Are you the wife of Alex. McCoy Jr.? A Yes sir.
Q Are you an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.#21118)
Q Have you a child who has not been enrolled upon the final rolls of the Cherokee Nation? A Yes sir.
Q What is his name? A Jack.
Q How old is your son Jack? A About six years old.
Q Was he six years old his last birthday or will he be six years old his next birthday? A I don't know.
Q Have you any record of the date of the birth of your son Jack? A My husband has a record of it at home.
Q Where is your son Jack now? is he alive? A Yes sir; here he is--indicating him--living with us.

The child is present and appears to be of the age and blood claimed

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 7th day of January, 1911.

R. P. Harrison, Clerk.

By Edward McCurtain
Deputy.

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Cher. 85

MEMORANDUM.

Jack McCoy, on Eastern Cherokee roll No. 17685, and enrolled on F. C. T. rolls.

Born February 26, 1904, produced at the hearing Dec 23. 910 and appeared to be of the age and blood claimed. No application prior to February, 1909, because "I was informed by some people that it was too late".

Father - Alex. McCoy, Jr., P. O. Vian, Okla., Roll No. 21117, full-blood Cherokee.

Mother - Yahni McCoy, Roll No. 21118, 3/4 degree Cherokee blood.

Brother - Levi McCoy, Roll No. 21119, 7/8 degree Cherokee blood.

Sister - Eva, enrolled as Eve McCoy, Roll No. 21120, 7/8 degree Cherokee blood.

The father and mother both testified that Jack McCoy is about six years old. Recommended that Jack McCoy be enrolled as six years old, ~~7/8~~ degree Cherokee blood. 13/16

BIRTH AFFIDAVIT. 199

JUL 24 1913

90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation.

of Jack McCoy Jr. [Here insert name of child] born on the 26th day of February 1904.

Name of Father: Alex McCoy Jr. a citizen of the Cherokee Nation.

Name of Mother Yahni McCoy a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee, Roll # 2117 Tribal enrollment of mother Cherokee, Roll # 2118

Postoffice Vian - Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma

Sequoyah County ~~District~~.

I, Yahni McCoy, on oath state that I am about 30 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful wife of Alex McCoy Jr., who is a citizen, by Blood, of the Cherokee Nation; that a male [Male or Female] child was born to me on 26th day of February 1904; that said child has been named Jack McCoy and was living March 4, 1906. and is now alive and living with me.

Yahni X McCoy Jr.
mark

WITNESSES TO MARK:

[Must be Two Witnesses] Wesley Muskogee Okla
Thomas P. Roach Muskogee Okla

Subscribed and sworn to before me this 29 day of December 1906

R. P. Harrison - Clerk
By A Willis - Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma

Sequoyah County ~~District~~.

I, Alex McCoy Jr., a ....., on oath state that I ~~attended on~~ Yahni McCoy Jr. ~~Negress~~ of ..... on the 26th day of February 1904; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Jack McCoy Jr. and he is now alive living with me.

Alex McCoy Jr.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 29 day of December 1906

R. P. Harrison - Clerk
By A Willis - Deputy ~~Notary Public~~.

Cher 11086

Hattie Martin

Cher 11086

90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a Cherokee Citizen, of Hattie Martin.

PROCEEDINGS had at Muskogee, Oklahoma, January 14, 1911, before Mr. S. A. Mills, on behalf of the Commissioner.

Examination by Mr. Mills:

John W. Martin being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A John W. Martin; age 31; Mazie, Okla.

Q Are you an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.#. 12289.)

Q Have you a wife? A Yes sir; I did have but she is dead.

Q What was her name? A Lucy Sequoyah before I married her. (See F.C.R.#20725)

Q What is the purpose of your appearance beforeme at this time? A For the purpose of making application for the enrollment of my child, Hattie Martin.

Q Have you never heretofore made application for the enrollment of this, your child? A No sir; I never have madeapplication for the child at all.

Q Why not? A The reason why I never made any application for the child was there was a squabble about the Too Late children and I never made any application.

Q Are you and your wife enrolled upon the Eastern Cherokee Roll and did you participate in the distribution of the Eastern Cherokee fund? A Yes; we are both enrolled.

Q Did you make application for the enrollment of this child Hattie upon the Eastern Cherokee Roll? A No sir; I did not.

Q Why not? A Just because there was a squabble over the Too Lates was the reason I never made application.

Q When was this your child Hattie born? A She was born January 15, 1905.

Q Have you a written record of that event? A No sir; I have not.

Q How do you fix the date so positively? A I just rememberit.

Q Can you not fix that date more positively by some event or incident that occurred about the time of the child's birth? A No sir.

Q Where is your child Hattie now? A She is at home.

Q Why didn't you bring her with you? A Just because I didn't have anybody to bring her with me I have three children and they are all small; she is paralised and I didn't have a boy there to bring her and attend to the other children.

Q Who was present when this child was born? A Francis Sanders acted as granny, and my sister-in-law Rachel Fisher, I think she is on the Roll as Rachel Rabbit.

Q Was this child Hattie the daughter of your deceased wife Lucy? A Yes sir.

In Re application for enrollment of Hattie Martin.

Proceedings had at Muskogee, Oklahoma, January 21, 1911 before Mr. S. A. Mills, on behalf of the commissioner.

Examination by Mr. Mills.

Maud Treasurer being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Maud Treasurer; 41 years old; P.O., Hadley, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#26003)
Q Was you enrolled as Maud Hair? A Yes sir; that was my first husband's name and the name I had when I was enrolled; since then my husband, Daniel Hair, died and I married a man named Cornelius Treasurer, my present husband.
Q Are you well acquainted with John Martin and his wife who was Lucy Sequoyah before he married her? A Yes sir.
Q Was a child born to Lucy Sequoyah and John Martin that they call Hattie Martin? A Yes sir.
Q Where is that child now? A She is with her grand-father; her mother died on the 8th day of August 1910. John, the father, sometimes lives there. She is a cripple and paralized and cannot do anything for herself.
Q Was you present when this child was born? A No; but I saw her first when she was about three months old.
Q Is she now alive? A Yes; living with her grand-father as I told you.
Q When was this child born? the year, month and day, if you know? A She was born January 15, either 5 or 6 years ago thismonth.
Q Do you know of anywritten record of the date of the birth of that child? A No.
Q Are you quite sure that it was five or six years ago this month that this child was born? A Yes; I am sure it was five or six years ago.
Q Could it have been four years ago this month? A No sir; it was either five or six years ago this month when Hattie was born.
Q Do you know of any one who was present when this child was born? A Rachel Fisher.

Rachel Fisher being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Rachel Fisher, about 27 years old; Wagoner, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.# 20735) I was enrolled as Rachel Rabbit.
Q Are you well acquainted with John W. Martin and his wife Lucy, Cherokee Citizens? A Yes sir.
Q Was you present at the birth of any of their children? A Yes sir; I was present at the birth of their Daughter Hattie Martin.
Q Where is the mother of Hattie Martin now? A She is dead; she died last year, in August.
Q Where is this child, Hattie Martin?now? A She is with her grand-father, at Lometa, near Waxie. She is a cripple, she is paralized and cannot do anything for herself.
Q When was Hattie Martin born? A January 15, six years ago.
Q Have you any written record of this event? A No sir.
Q How do you make that date so positive? A Just by memory, and hearing them talk about it and I was there when she was born.

W.E.Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W.E.Foltz

Subscribed and sworn to before me on this 21st day of January, 1911.

Edward Merrick

Notary Public.

90635

Cher. J. 146

MEMORANDUM.

Hattie Martin, born Jan. 15, 1905, living March 4, 1906, still living with its grandfather Tom Sequoyah, Roll No. 20723 near Mazie, Okla. Name not on Eastern Cherokee roll.

Father John W. Martin, P. O. Mazie, Okla. Roll No. 12289, full blood Cherokee.

Mother, Lucy Martin, nee Sequoyah, enrolled as Lucy Sequoyah, Roll No. 20725, full blood Cherokee, died August 8, 1910.

No application prior to hearing on Jan. 14, 1911 because there was a squabble over the "Too late's"

Testimony of father, his sister-in-law Rachel Fisher of Wagoner, Okla. and Band Treasurer of Hadley, Okla.

Child not produced because a paralytic and no one with whom to leave the other children.

Child did not draw Eastern Cherokee money.

Child should be produced to make proof positive that the child is still living.

Recommended further investigation as to the existence of the child.

Case # 146

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....

.....

.....

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Hattie Martin [Here insert name of child], born on the 15th day of January 1905.

Name of Father: John W. Martin a citizen of the Cherokee Nation.

Name of Mother: Lucy Martin a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll No. 17283. Tribal enrollment of mother Cherokee Roll No. 30725.

Postoffice Wagoner Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~ State of Oklahoma,
Muskogee County ~~District~~.

I, John W. Martin, on oath state that I am 31 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful ~~wife~~ Husband of Lucy Martin - Deceased, who ~~is~~ was a citizen, by Blood, of the Cherokee Nation; that a Female [Male or Female] child was born to ~~me~~ on the 15th day of January 1905.; that said child has been named Hattie Martin and was living March 4, 1906. Child is now alive and living with its Grandfather Thomas Deceased Cherokee Roll # 20723

John W. Martin

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 23d day of January 1906.

R. P. Harrison Clerk
By A Ellis Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~ State of Oklahoma,
Muskogee County ~~District~~.

I, Rachel Fisher, a ~~.....~~, on oath state that I attended on Lucy Martin, wife of John W. Martin, on the 15th day of January, 1905.; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Hattie Martin who is now alive and living with her Grandfather.

Rachel Fisher
Cherokee Roll # 20736

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 21st day of January 1906.

R. P. Harrison - Clerk
By A Ellis - Deputy Notary Public.

Cher 11087

Jennie Miller

Cher 11087

JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as Cherokee Citizen, of Jennie Miller, as shown upon the Eastern Cherokee Roll opposite Roll No. 15587, and shown not to be upon the Final Rolls of the Five Civilized Tribes.

Proceedings had at Sallisaw, Oklahoma, December 19, 1910, by Mr. S. A. Mills, on behalf of the commissioner:

Interpreted by Thomas P. Roach, Official Interpreter, ofMuskogee, Okla.

Examination by Mr. Mills.

Francis Bolin being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Francis Bolin, age 38, P.O. Brent, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes sir:(See F.C.R.#25699)
Q What is the purpose of yourappearance at this time? A For the enrollment of my daughter, Jennie Miller, upon the Final Rolls of the Five Civilized Tribes.
Q What is your husband's name? A William Bolin.
Q Is he an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.#20515)
Q Have you ever had any other Sir name excepting Bolin? A Yes sir; Francix Johnson and Francis Miller, and now Bolin.
Q Have you any children who have beenenrolled upon the Finall Rolls as Cherokee Citizens? A Yes sir; two, Albert and Cherlie. (See F.C.R.#25700 and 25701)
Q You stated that your daughter Jennie Miller is not enrolled upon the Final Rolls of the Five Civilized Tribes: Was she enrolled upon the Eastern Cherokee Rolls and did she receive her share of the Eastern Cherokee Emigrant payment? A Yes sir. (See E.C.R.#15587)
Q How old is this, your daughter, Jennie Miller, who you say is not upon the final Cherokee Rolls and you want enrolled upon the Final Cherokee Rolls? A Five years old, going on six next Aug.
Q Have you a record of the date of the birth of this child so we can fix the date of the birth of the child? A Yes sir. (Here witness introduces the leaf of a book upon which appears in Cherokee characters as follows: "Jennie Miller, Born Aug. 16, 1905").
Q Is this all of your family record? A No, this is simply a copy from the record which I made to bring to you.
Q Why didn't you bring the original family record instead of bringing a copy? A It was in a big book andI thought that was all you wanted.
Q Is this a true copy of the record, of your family record? A Yes sir; I took it off the book this morning.
Q Who was present when this child, Jennie Miller, was born? A Just the family folk.
Q Are any of them present to give testimony for you as to the date of the birth of Jennie Miller, for whom you wish to make application for enrollment? A Yes sir; my present husband was present and helped me when the child was born.
Q Who is the father of this child? what is his name? A Tom Miller.
Q Is he an enrolled Cherokee Citizen? A No sir; he is a white man.

Q Was this child Jennie Miller born after you married your present husband, William Bolin? A Yes sir; about three months afterward.
Q Is this, your daughter Jennie Miller, nowaliva? A Yes,--indicating the child--and living with me.
Q Have you heretofore made application for the enrollment of this your daughter Jennie? A No sir.
Q Where is the father of your daughter Jennie Miller now? A I don't know. We separated and I then married my present husband, William Bolin.

William Bolin being first duly sworn testifies as follows:
Q State your name, age and Post Office address? A William Bolin, age 28, living at Brint.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#20515)
Q Are you the husband of this woman--indicating Francis Bolin? A Yes sir.
Q Are you the father of this child, Jennie Miller? A No sir; she is the daughter of my wife by a former husband, Tom Miller.
Q Was you present when this child was born? A Yes; I attended to my wife when she was born.
Q How old is this child Jennie? A A little over five years old.
Q Do you know the month, the day of the month and the year she was born? A Yes; my wife has a family record of it which says Aug. 16, 1905.
Q Who made that record? A I helped her to make the record.(Witness refers to the copy of the record submitted by her as evidence of the date of the birth of the child Jennie Miller.
Q Have you, or has any one else that you know of, ever made application for the enrollment of this child upon the Final Rolls of the Cherokee Tribe? A No; I don't think any one has ever made application for the enrollment of this child.
Q Is this child Jennie enrolled upon the Eastern Cherokee Rolls?

A Yes sir; her name is on there. (See E.C.R.#15587)
Q Is this child Jennie Miller now living with you and your wife Francis? A Yes sir.

The child is present and appears to be of the age and blood claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 6th day of January, 1911.

R. P. Harrison, Clerk.

By Edward McCall
Deputy.

75

OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

MEMORANDUM.

Jennie Miller, Eastern Cherokee, roll No. 15587, not enrolled of F. C. T. roll. Born August 16, 1905, living, produced at the hearing Dec 19, 1910 and appears to be of the age and degree of blood claimed.

Father- Tom Miller, white man, not enrolled.

Mother- Francis Bolin- formerly Miller, P. O. Brent, Okla., Cherokee by blood, roll No. 25699. Full blood

Witnesses- Dec. 19, 1910, father and mother, produced a copy of the family record of births, marriages etc., shown in Cherokee. Is 1/2 blood Cherokee. Husband William Bolin attended on wife at birth of child Jennie.

Recommended that Jennie Miller be enrolled as a minor 1/2 blood Cherokee.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

JUL 24 1913
90635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Jennie Miller [Here insert name of child] born on the 16th day of August 1905.

Name of Father: Tom Miller, not a citizen of the Nation.

Name of Mother Francis Bolin, a citizen of the Cherokee Nation.

Tribal enrollment of father none. Tribal enrollment of mother Cherokee Roll #5699

Postoffice Brent, Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Kegwyed County ~~District~~.

I, Francis Bolin, on oath state that I am 38 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful wife of William Bolin, who is a citizen, by Blood, of the Cherokee Nation; that a Female [Male or Female] child was born to me on 16th day of August 1905; that said child has been named Jennie Miller and was living March 4, 1906. and is now alive and now living with me

Francis X Bolin
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { Thomas P. Roach Muskogee Okla
W. E. Foltz Muskogee Okla

Subscribed and sworn to before me this 19th day of December 1906

R. P. Harrison - Clerk
By A Millie - Deputy ~~Notary Public~~.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Kegwyed County ~~District~~.

I, William Bolin, a ~~.....~~, on oath state that I attended on Francis Bolin my wife of on the 16th day of August 1905; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Jennie Miller and is now alive & living with us.

William X Bolin, Cherokee Roll #0515
mark
P.O. Brent Okla

WITNESSES TO MARK:

[Must be Two Witnesses] { Thomas P. Roach Muskogee Okla
W. E. Foltz Muskogee Okla

Subscribed and sworn to before me this 19th day of December 1906

R. P. Harrison - Clerk
By A Millie Deputy ~~Notary Public~~.

Cher 11088
May Mitchell

Cher 11088

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

90635 1913

IN RE APPLICATION FOR THE ENROLLMENT, as Cherokee Citizen, of May Mitchell.

PROCEEDINGS had at Wian, Oklahoma, December 22nd, 1910, by Mr. S. A. Mills, on behalf of the Commissioner.

Examination By Mr. Mills:

Bettie Mitchell beingfirst duly sworn testifies as follows:

Q State your name, age and post office address? A Bettie Mitchell, age 37 years old, P.O. Brent, Okla.

Q Are you an enrolled Cherokee Citizen? A No sir; but my husband and four of our children are.

Q What is the purpose of your appearence here at this time? A To present a petition for the enrollment of my minor child May, who was left off the roll wheras she should have been on the roll. (Here witness submits a petition)

Q You state that your husband is an enrolled Cherokee? What is his name and Roll number? A Thaddeus Mitchell, Final Cherokee Roll No.2669.

Q What are the names of your children who you state are enrolled, and their Roll numbers? A Mary J. Mitchell, the oldest, F.C.R.#2670, and Cora E Mitchell (F.C.R.#2671) Irent Mitchell (F.C.R.#2672), and Nora Bell Mitchell (#4777M).

Q Your petition here recites and states that you have a minor child named May, whose name does not appear upon the Final Rolls of the Cherokee Nation, and that you now make application to have the name of said May Mitchell placed upon the Final Rolls of the Cherokee Nation. Who is the father of this, your child May Mitchell? A Thaddeus Mitchell.

Q When was this, your child May Mitchell, born? A November 27, 1903.

Q Have you a record of that event showing the date of the birth of your child May? A Yes sir. (Here witness submits family Bible showing family record, upon which is shown entries purporting to show the date of the Birth of Nellie, Cora, Irene, May and Nora Mitchell; showing that May Mitchell was born Nov. 27, 1903.

Q Can you explain how it comes that your other children appear upon the roll, including your youngest child Nora Mitchell, who was born March 20, 1905, and May Mitchell who was born Nov. 27, 1903 was omitted? A When we made application for Nora Mitchell enrolled we found that we were required to date the birth of May and we sent an affidavit and $1.25 to the Doctor at Miami who was present at the birth of May, requesting him to make an affidavit and send same to the Dawes Commission to be used for the enrollment of May with Nora, relying upon Dr. Warmington, of Miami to forward his affidavit to the Dawes Commission to complete the application for May. However, it seems that he failed to do so and consequently May was not enrolled.

Q You state that you sent the application for the enrollment of May to the Dawes Commission? What became of that application? did you ever hear anything further about it? A I called upon the Dawes Commission and they informed me that they had sent the application to Washington.

Q Did they state to you the status of the application? A They told us that we had got in too late now on account of the Doctor not sending the certificate and we would have to sue him for damages. I then wrote to Washington for the return of the application and I received a letter in reply stating that they could not sent the application as they had to keep it as a part of the record in the case.
Q Did you ever make any further effort? A I took it up with a Lawyer at Sallisaw who took it up with the Department and they replied that I was too late and nothing could be done about it.
Q Have you that correspondence now? A Nosir; I don't expect I have, I moved around so much.
Q Did you ever obtain the affidavit of the [illegible] of your child May [illegible] D. [illegible]? A No sir; I saw him and he told me he had [illegible] Dawes Commission at Muskogee [illegible] and [illegible] enrolled and got its share of land.
Q Is this, your daughter May Mitchel, for whom you are making application for enrollment upon the Final Rolls of the Cherokee Nation, now alive? A Yes sir; here she is--indicating the child.
Q What quantity of Indian blood has that child? A One eighth.

Adeline Abel being first duly sworn testifies as follows:
Q State your name, age and post office address? A Adeline Abel, age 52 years old, P.O. Vian, Okla.
Q Are you an enrolled Cherokee Citizen? A No sir; but my half brother Thaddeus Mitchell is an enrolled Cherokee Citizen. (See F.C.R.#2669). I am an adopted Citizen, but not upon the Final Rolls myself, but I have three children who are upon the Rolls--Walter Sanders (F.C.R #2656) and Clara Jackson, (Roll No.2790), Mary Bradshaw (F.C.R.#2724
Q You state that you are the half sister of Thaddeus Mitchell? A Yes sir.
Q What was Thaddeus Mitchells wife's name, if he had one? A Bettie Mitchell.
Q Do you know if they have a child named May Mitchell? A Yes.
Q Where is that child now? A Living with her mother, Bettie.
Q How old is that child? A She will be eight years old next November.
Q That would make that child seven years old past? A Yes sir.
Q How long have you known that child? A I have known the child ever since she was a baby.
Q Have you, or do you know of any one who has a record of the date of the birth of that child? A Yes; the parents have the record in the Family Bible.
Q Have you seen that record? A Yes sir.

The child is present and appears to be of the age claimed, but has no appearence of Indian Blood. (A question of parental paternity of the child)

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W. E. Foltz

Subscribed and sworn to before me on this 7th day of January, 1911.

R. P. Harrison, Clerk.
By Edward Hoover
Deputy.

90635

Cher. J. 80.

MEMORANDUM.

May Mitchell, P.O. Brent, Oklahoma, born March 27, 1903, still living, produced at the hearing, appeared to be of the age but did not have the appearance of any Indian blood.

Father, Thaddeus Mitchell, Cher. roll No. 2669-½ degree blood.

Mother, Bettie Mitchell-noncitizen.

Sister, Mary F. Mitchell, Cher. roll No. 2670-1/8 degree blood.

Sister, Cora E. Mitchell Cher. roll No. 2671-1/8 degree blood.

Sister, Irene Mitchell, Cherokee roll No. 2672-1/8 degree blood.

Sister, Nora Bell Mitchell, Cher. roll No. 4777 M-1/8 degree blood.

Claim is made that two previous applications were made for the enrollment of May Mitchell and considerable correspondence carried on from Washington about her enrollment.

Further examination necessary.

BIRTH AFFIDAVIT. 199

INDIAN AFFAIRS RECEIVED JUL 22 1913

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES. 90635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of May Mitchell [Here insert name of child], born on the 27th day of November 1903.

Name of Father: Thaddeus Mitchell a citizen of the Cherokee Nation.

Name of Mother: Bettie Mitchell a white woman citizen of the Nation.

Tribal enrollment of father Cherokee Roll No 7669. Tribal enrollment of mother none

Postoffice Brent, Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Sequoyah County ~~District~~.

I, Bettie Mitchell, on oath state that I am 37 years of age and a white woman citizen, by ..., of the ... Nation; that I am the lawful wife of Thaddeus Mitchell, who is a citizen, by Blood of the Cherokee Nation; that a Female [Male or Female] child was born to me on 27th day of November 1903.; that said child has been named May Mitchell and was living March 4, 1906. and is now alive and living with me

Bettie Mitchell

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 11th day of December 1913

R. P. Harrison
By A Miller Deputy. Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Sequoyah County ~~District~~.

I, Adeline Abel, a ..., on oath state that I attended on Bettie Mitchell, wife of Thaddeus Mitchell on the 27th day of November 1903.; that there was born to her on said date a Female [Male or Female] child: that said child was living March 4, 1906, and is said to have been named May Mitchell, who is now alive and living with its Mother

Adeline Abel

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 11th day of December 1913

R. P. Harrison Clerk
By A Miller Deputy. Notary Public.

90635

IN THE APPLICATION FOR [illegible]
[illegible] ROLL OF [illegible]
OF THE CHEROKEE NATION, May
[illegible], A [illegible], VS [illegible]
OF [illegible].

Your petitioner Nettie Mitchell would respectfully represent that she is 27 years of age,and that her Post Office address is Trent Oklahoma,That she is the mother of [illegible] enrolled opposit roll number 2073,age 15 years. And of Cora Mitchell enrolled opposit roll number 2074,and your [illegible] of Irene Mitchell,N.B. enrolled opposit roll number 2075,and [illegible] of Vera Mitchell [illegible] age 3 years;Petitioner further states that said last minor child named May Mitchell was born on [illegible] not appear on the final rolls of the Citizens of the Cherokee Nation,and that she now makes this her application to have the name of the said May Mitchell, ~~was~~ placed on the final roll of the Citizens of the Cherokee Nation.Your petitioner says that May Mitchell was born 27 Nov---,and that her husband Thaddeus Mitchell,made application to have ---May Mitchell enrolled,that after your petitioner made the application,the application was sent to Mr. Wormington of Vinita,for his certificate;that Mr. Wormington did not attend to the filling out of the application in time for it to reach the Commission at Muskogee,in the time limit for the said May ----Mitchell to be enrolled on the final rolls. Your petitioner further states that she and her husband Thaddeus Mitchell, are now divorced and that she does not know where Thaddeus Mitchell is at this time,as a further evidence of the right of May Mitchell to be enrolled your petitioner,herewith submits the Family Bible in which the Record of the ages of her family are made,Hoping that you will give the application due consideration,Your petitioner will ever pray.

Nettie Mitchell
Mother of Minor.

Subscribed and sworn to before me on this the 21st day of September 1910.

Jno. K. Hannah
Notary Public.

My Commission expires September 27th,1910.

Cher 11089

French Noisewater

Cher 11089

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Stilwell, Oklahoma, November 12, 1910.

In the matter of the application for the enrollment of French Noisewater as a citizen by blood of the Cherokee Nation.

Proceedings had before George Reed, Clerk to the Commissioner of Indian Affairs.

John Noisewater, being first duly sworn, testified through R. E. Taylor, U. S. Indian Policeman, sworn interpreter, as follows:

By Mr. Reed:

Q What is your name, age and postoffice address? A John Noisewater about forty-nine or fifty, postoffice Stilwell, Oklahoma.
Q Are you enrolled as a citizen of the Cherokee Nation? A Yes. (See Dawes Commission Cherokee Roll No. 28431).
Q Are you married? A Yes.
Q What is the name of your wife and the names of your children if you have any? A My wife is Jennie Noisewater and my children are Pigeon and Nancy. (See Dawes Commission Cherokee Roll No. 19045, 19046 and 28432).
Q Are you a full-blood Cherokee Indian? A Yes.
Q Have you any children who are not enrolled? A Yes, one. (Here witness points out the child).
Q What is the name of this child? A French Noisewater.
Q Are you the father of French Noisewater? A Yes.
Q Is French Noisewater a child to you by your present wife, Jennie Noisewater? A Yes.
Q When was French Noisewater born? A October 28, 1905.
Q Have you a record of that date, either in the family bible, book or other record? A No.
Q How do you fix that particular date as being October 28, 1905? A I just remember it.
Q How old will French Noisewater be on his next birthday? A Six.
Q Are you sure as to that? A Yes, I remember it.
Q Who was present when this child was born, did you have a doctor, mid-wife, or any of the neighbors? A No body but Lydia Hli, a neighbor.
Q Did you ever apply for the enrollment of this child to the Dawes Commission? A A man named Ed Grits I talked to him; I thought it was the same.
Q Did Ed Grits belong to the Dawes Commission? A I don't know.
Q Did you ever make(any other application? A No.
Q Did you ever get any letters from the Dawes Commission relative to this child, French Noisewater? A No, I thought it was too late.
Q Why did you think it was too late? A Because a man named Adair told me so, told me right after March, 1906.

Witness excused.

Lydia Eli, being first duly sworn, testified through R. L. Taylor, U. S. Indian Policeman, sworn interpreter, as follows:

By Mr. Reed:

Q What is your name, age and postoffice address? A Lydia Eli, I don't know my age; my post office is Stilwell.
Q Are you enrolled as a Cherokee citizen? A Yes. (See Dawes Commission Cherokee Roll No. 30480).
Q Do you know John Noisewater and his wife, Jennie Noisewater? A Yes
Q Were you present at the birth of their son, French Noisewater? A Yes.
Q When was that? A Little over five years ago.
Q What day and month, if you know? A I don't know; I didn't put it down; I can't write.
Q How old is this child, French Noisewater, if you know? A Little past five years old.
Q How do you know it is a little past five years old, you say you have no record? A I was home all the time; I remember it.
Q Who else was there when this child was born? A I don't know; I don't remember.
Q You are sure that this is the child of John and Jennie Noisewater? And that he is past five years old? A Yes.

Witness excused.

Xkxx Vester W. Rose, after being sworn, states that the above and foregoing is a correct and complete transcript of his stenographic notes taken in kxkxkxxx the above matter on the date therein set forth.

Vester W. Rose

Subscribed and sworn to before me this 7th day of December, 1918.

Harry Montague
Notary public.

3.

MEMORANDUM.

JUL 24 1913
90635

French Neisewater - P. O. - Stillwell, Okla.
minor Cherokee by blood,

born October 28, 1906, six years old next birthday.

Father - John Neisewater- Cherokee full blood, No. 28451.

Mother - Jennie Neisewater - Cherokee full blood, No. 19045.

Brother - Pigeon Neisewater - " " " age 6,No.28452.

Sister - Nancy Neisewater - " " " " 1,No.19046.

Witnesses - Nov. 12, 1910, John Neisewater, father, P. O., Stillwell, Okla., and Lydia Eli, of Stillwell, Okla., a neighbor and midwife, who was the only person present, besides the parents, at birth of child, named French Neisewater, now past five years old.

Applied once to a man named Ed Gritts, "I talked to him, I thought it was the same".

Made no other attempt to enroll prior to March 4, 1906, because a man named Adair told me it was too late.

Birth affidavit of mother, Jennie Neisewater, shows French Neisewater to be minor child of enrolled parents, and was born October 20, 1906.

Child produced and appears to be a full blood Indian of the age claimed.

Recommends that French Neisewater be enrolled.

Office of Indian Affairs
Received Jul 24 1913

90635

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....

as a citizen of

..... Nation.

Approved..... 190...

.....

Commissioner.

Copy

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the CHEROKEE Nation,

of French Noisewater, [Here insert name of child] born on the 20 day of October, 1905.
No. 28431

Name of Father: John Noisewater a citizen of the Cherokee Nation.

Name of Mother: Jennie Noisewater, #19045 a citizen of the Cherokee Nation.
#28431

Tribal enrollment of father: Cher. Fullblood Tribal enrollment of mother: Cher. fullblood-19045

Postoffice Stilwell, Oklahoma.

AFFIDAVIT OF MOTHER.

State of Oklahoma
UNITED STATES OF AMERICA, [redacted],
Adair County [redacted]

I, Jennie Noisewater, on oath state that I am 38 years of age and a citizen by blood, of the Cherokee Nation;
No. 19045
that I am the lawful wife of John Noisewater who is a citizen, by
Roll No. 19045
blood of the Cherokee Nation; that a [Male or Female] child was born to me on 20th day of October, 1905; that said child has been named French Noisewater and was living March 4, 1906, and is still living with me.

her
Jennie X Noisewater,
mark

WITNESSES TO MARK:

[Must be Two Witnesses]
George Reed 1488 Newton St. Washington, D. C.
R. L. Taylor, Westville, Ok.

Subscribed and sworn to before me this 12th day of November, 1910.

(SEAL)

R. P. Harrison, Clerk
By S. A. Mills, Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

State of Oklahoma
UNITED STATES OF AMERICA, [redacted],
Adair County District.

I, Lydia Eli (Roll No. 20480), a Mid-wife, on oath state that I attended on Jennie Noisewater, wife of John Noisewater,
about
on the 20th day of October, 1905; that there was born to her on said date a [Male or Female] male child; that said child was living March 4, 1906, and is said to have been named French Noisewater.

her
Lydia X Eli
mark

WITNESSES TO MARK:

[Must be Two Witnesses]
George Reed, #1488 Newton St, Washington, D. C.
R. L. Taylor, Westville, Ok.

Subscribed and sworn to before me this 12th day of November 1910

(SEAL)

R. P. Harrison, Clerk,
By S. A. Mills, Deputy Notary Public.

(COPY)

Muskogee, Oklahoma, December 8, 1910.

Hon. W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith a copy of the testimony respecting the enrollment of French Noisewater as a Cherokee citizen, taken in the course of my investigation.

Respectfully,

Assistatn Attorney

Enc. L-25.

Cher 11090

Elias Oakball

Cher 11090

Department of the Interior,
Commission to the Five Civilized Tribes.
December 13, 1910.

In Re Application for Enrollment of Elias Oakball, as a citizen of the Cherokee Nation, shown upon the Eastern Cherokee Roll opposite #20204 as Alisa Oakball, but not shown upon the Final Roll of the Five Civilized Tribes.

- - - - - - - - - - -

White Oakball, being first duly sworn, testified through Thomas P. Roach, Interpreter, as follows:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q State your name, age and post-office? A White Oakball; about forty-two years of age; post-office, Whitmire, Okla.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #30673)
Q What is your wife's name? A Susan.
Q Is she and enrolled Cherokee citizen? A Yes. (Cherokee Roll #30674)
Q What children have you, if any? A Fallingpot and Elias.
Q Are either of them enrolled as Cherokee citizens? Yes, Fallingpot. (Cherokee Roll #30675)
Q Is Elias enrolled? A No.
Q Did Elias receive his share of the Eastern Cherokee Payment? A Yes. (Eastern Cherokee Roll #20204).
Q How old is your son Elias? A Seven years old.
Q What year, month and day was he born, if you know.
A Along about the 18th day of September, 1903.
Q Have you any written record of the date of the birth of this child Elias? A I had a record but have lost it.
Q Who was present at the birth of Elias? A I was present.
Q Has any application heretofore been made for the enrollment of your son Elias? A No; I don't believe in it.

- - - - - - - - - -

Susan Oakball, being first duly sworn, testified through Thomas P. Roach, Interpreter, as follows:

Q State your name, age and post-office? A Susan Oakball; about thirty-four years old; post-office, Whitmire, Okla.
Q Are you the wife of White Oakball? A Yes.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #30674)
Q What children have you by White Oakball? A Fallingpot and Elias.
Q Is Fallingpot enrolled? A Yes. (Cherokee Roll #30675)
Q Is your son Elias? A No.
Q Did your son Elias draw his share of the Eastern Cherokee Payment? A Yes, sir. (Eastern Cherokee Roll #20204)
Q Has any application heretofore been made for the enrollment of your son Elias? A No; I don't believe in it.

Q How old is your son Elias? A About seven years old.
Q Have you a record of the date of his birth? A No; we had one but we lost it.
Q Who was present when your son Elias was born? A My Husband, White Oakball, he was there.

Note: Child was present and had every appearance of being of the age and blood claimed. Testimony was obtained with considerable difficulty, due to the feeling of the parents, they stating that they were Nighthawks.

- - - - - - - - - - - -

W. H. Byrd, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in said case.

W H Byrd

Subscribed and sworn to before me on this the 3rd day of December, 1913.

R P HARRISON Clerk

P. A. Cravens Dpty

Office of Indian Affairs
Received Jul 24 1913
90635

(COPY)

Cher. J. 136

MEMORANDUM.

Elias Oakball, Whitmire, Okla., enrolled as Alias Oakball on Eastern Cherokee roll No. 20204, not on E. C. T. roll.

Father - White Oakball - full-blood Cherokee, roll No. 30673.

Mother - Susan Oakball - full-blood Cherokee, roll No. 30674.

Brother to Fallingpot Oakball, full-blood Cherokee, roll No. 30675.

No previous application made because parents are nighthawks and don't believe in enrollment.

Child Elias is 7 years of age, born Sept. 18, 1903, was produced at the hearing Dec. 10, 1910, and appeared to be of the age and blood claimed.

Witnesses - father and mother.

Recommended that Elias Oakball be enrolled as a minor full-blood Cherokee.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Elias Oakball [Here insert name of child;] born on the or about 18th day of September, 1903
Name of Father: White Oakball a citizen of the Cherokee Nation.
Name of Mother: Susan Oakball a citizen of the Cherokee Nation.
Tribal enrollment of father Cherokee Bell 34673 Tribal enrollment of mother Cherokee Bell 34674
Postoffice Whitmire, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma
Adair County District. }

I, Susan Oakball, on oath state that I am 34 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful wife of White Oakball, who is a citizen, by Blood, of the Cherokee Nation; that a male [Male or Female] child was born to me on Habout the 18th day of September, 1903; that said child has been named Elias Oakball and was living March 4, 1906, and is now living with me.

Susan X Oakball
mark

WITNESSES TO MARK:
[Must be Two Witnesses] { W. H. Byrd, Tahlequah Okla.
Thomas P. Roach, Muskogee Ok

Subscribed and sworn to before me this 13th day of December 1910

Seal

R. P. Harrison, Clerk
By L. A. Mills, Deputy
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma
Adair County District. }

I, White Oakball, a ..... on oath state that I attended on Susan Oakball wife of ..... on the or about 18th day of September, 1903; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Elias Oakball and it now living with its mother

White X Oakball
his

WITNESSES TO MARK:
[Must be Two Witnesses] { W. H. Byrd, Tahlequah, Okla
Thomas P. Roach, Muskogee, Ok

Subscribed and sworn to before me this 13th day of December 1910

Seal

R. P. Harrison
By. S. A. Mills - Deputy
Notary Public.

Cher 11091
Nancy Palone

Cher 11091

90635 '13

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a Citizen of the Cherokee Nation, of Nancy Palone, as shown upon the Eastern Cherokee Roll opposite No. 19723, and shown to be not upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had at Tahlequah, Oklahoma, November 21, 1910, By Mr. George Reed, on behalf of the Commissioner.

Interpreted by R. L. Taylor, Indian Policeman, of Westville, Okla.

Examination by Mr. Reed:

Jenanna Pumpkin being first duly sworn, tertifies as follows:

Q State your name, age and post Office address? A Jenanna Pumpkin, Age 27 years old; P.O., Proctor, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes; full blood. (See F.C.R.#18880)
Q Was you ever known by the name of Jananna Murphy? A Yes; that is the way I am enrolled upon the Eastern Cherokee Roll.
Q Have you a child who is not enrolled as a Cherokee Citizen? A Yes.
Q What is the child's name? A Nancy Palone.
Q How old is Nancy? A Six years past.
Q Is Nancy Palone now alive? A Yes; here she is--indicating the child.
Q Who is the father of Nancy? A Andrew Palone.
Q Is he an enrolled Cherokee Citizen? A Yes. (See F.C.R.#25854)
Q Was Andrew Palone your husband? A No; but I lived with him one year and Nancy was born to us, then he left me.
Q When was Nancy Palone born? A Aug. 4, 1904.
Q Have you any record, either Bible or book record of the date of the birth of Nancy? A No.
Q How old will Nancy be on her next birthday? A Seven years old.
Q Can youfix the date more positively from some event that you can recall? A No; only I and my sister had children aboutthe same time and hers will soon be seven years old.
Q Who was present when Nancy was born? A My mother, Mary Pumpkin.
Q Have you ever made application for the enrollment of Nancy heretofore? A I asked my brother to look after it and he saw the District Agent, Mr. Wilson.
Q Did you make application to the Dawes Commission? A No.
Q Where does Nancy live? with you or her father? A With me.
Q Are you now married? A No; I am single; living with my mother near Proctor, Okla.
Q Do you know whether Nancy Palone, your child, is the half sister to one Franklin Palone? A I don't know.

Mary Pumpkin being first duly sworn, testifies as follows:

Q Are you acquainted with Jenanna Pumpkin? A Yes.
Q Did she have a child called Nancy Palone? A Yes.
Q Who was the father of this child Nancy? A Andy Palone.
Q Were they lawfully married? A No; they just been "stick" together.
Q Do you know if Andy Palone has been enrolled as Cherokee Citizen? A I guess he is; he is a full blood and a Nighthawk.
Q Is Andy Palone and Nancy Palone now living together as man and wife? A No.
Q Is Andy now living with another woman? A Yes; Tianna Sourjohn.
Q Do you know of any other child of Andy Palone? as Henry Franklin Palone? A Yes; but I do not know if it is Henry Franklin Palone. (See F.C. Minor Roll Nos. 1862 and 1863)
Q Do you know whether the child, Nancy Palone, is enrolled? A I do not know. They are all Nighthawks.
Q Do you know when the child Nancy Palone was born? A About six years ago.
Q Is Nancy still living? A I saw her yesterday.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 11th day of January, 1911.

R. P. Harrison, Clerk.

By Edward McCurtain
Deputy.

JUL 24 1913
90635

M E M O R A N D U M.

Cher. J. 111.

Nancy Palone, P. O., Proctor, Okla., born Aug. 4,1904, on Eastern Cherokee roll No. 19723, not on E.C.T. rolls. Produced at the hearing and appeared to be of the age and degree of blood claimed, an illegitimate.

Father -- Andrew Palone, Cher. full blood, roll No.25854.

Mother -- Jenanna Pumpkin, Cher. roll No. 18880, 3/4 degree blood, enrolled on Eastern Cher. roll as Jenana Murphy No. 19722. No previous application. Nighthawks.

Recommended that Nancy Palone be enrolled as a minor Cherokee of 7/8 degree blood.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....

as a citizen of

..... Nation.

Approved..... 190...

.....
Commissioner.

CHOCTAW

RECEIVED

BIRTH AFFIDAVIT. 199

RECEIVED JUL 24 1913

90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Nancy Falone (Here insert name of child), born on the 4th day of August 1904

Name of Father: Andrew Falone a citizen of the Cherokee Nation No. 25854

Name of Mother: Jenanna Pumpkin a citizen of the Cherokee Nation No. 18880

Tribal enrollment of father Cherokee 25854 Tribal enrollment of mother Cherokee No. 18880

Postoffice Proctor, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma.

Cherokee County District.

I, Jenanna Pumpkin, on oath state that I am 29 years of age and a citizen by Blood, of the Cherokee Nation No. 18880 that I am not the lawful wife of Andrew Falone who is a citizen, by Blood, of the Cherokee Nation, No. 25854 and he is the father of my child that a female child was born to me on 4th day of August 1904; that said child has been named Nancy Falone and was living March 4, 1906, and is still living and present with me to-day.

her
Jenanna X Pumpkin
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Newton St. Washington D.C.
R. L. Taylor Mustang Okla

Subscribed and sworn to before me this 21st day of November 1910

R. P. Harrison - Clerk
By A. Allison Deputy
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma.

Cherokee County District.

I, Mary Pumpkin Clerk 1889 a midwife, on oath state that I attended on Jenanna Pumpkin wife of Andy Falone on the ____ day of ____ that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Nancy Falone and is still living with its mother yesterday.

her
Mary X Pumpkin
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Washington D.C.
R. L. Taylor Mustang Okla

Subscribed and sworn to before me this 19th day of November 1910

R. P. Harrison - Clerk
By A. Allison - Deputy
Notary Public.

Cher 11092
Josie Pettit

Cher 11092

OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a Cherokee Citizen, of Josie Pettit.

Proceedings had at Sallisaw, Oklahoma, December 19, 1910, by Mr. S. A. Mills, on behalf of the Commissioner.

Interpreted by Thomas P. Roach, Official Interpreter, of Muskogee, Okla.

Examination by Mr. Mills.

Josie Pettit being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Josie Pettit, age 19, P.O. Sallisaw, Okla.
Q What is your father's name? My fathers name is Charles Guineahead. (See F.C.R. #19303) 0303
Q How old is your father? A 48 years old.
Q Is he now living? A No, he is dead; he died over a year ago.
Q What was your mother's name? Jennie Flute.
Q Where is she now? A She is dead.
Q When did shedie? A She has been d3ad about 15 years.
Q Have you any brothers or sisters? A I have one half-brother.
Q What is his name? A Wash Flute. (See F.C.R.#28506)
Q How old is your brother? A 14 years old.
Q Is he alive? A Yes sir; I think he is living; I have not seen him for a good while.
Q Where does he live? A At Sugar Mountain.
Q Who with? A Gu-yah De-gu-ashe.
Q Who did you live with after your mother died? A With september Mose and his wife. (See F.C.R.#20853)
Q How old was you when you left the home of September Mose. A Six years old, I guess.
Q Where did you go to and who did you live with when you left September Mose? A Henry Daugherty, he raised me.
Q When was you first married? you say you are married? A Jack Pettit Jr., I have been living with him about a year. (See Roll No.29868)
Q During all these years and while living with those various people that you have mentioned, have you ever heard any talk regarding the enrollment of yourself by the Dawes Commission? A No sir; I never was talked to about it and never was told about it.
Q Did any of them ever tell you you had any land allotted to you? A No sir.
Q Did you ever, or any one for you, draw any of the various payments as has been made in the past, of the Cherokee payments? I don't know.
Q Can you give me any further information relative to your enrollment upon any of the rolls of the Cherokee Nation? A No; I cannot, except that my father just before he died told me that while I was living with Henry Daugherty that he was going to makeapplication for my enrollment and my allottment, but that Henry Daugherty told him to not bother with it, that he would do it, and my father was depending upon Henry Daugherty to have me enrolled and get my allottment for me, also my share of the Eastern Cherokee Emigrant money. I don't know if Henry Daugherty attended toit or not, he never told me any thing about it.

W. B. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W B Foltz

Subscribed and sworn to before me this 6th day of January, 1911.

R. P. Harrison, Clerk.

By Edward C. Heroch
Deputy.

Office of Indian Affairs
Received Jul 24 1913
90635

(COPY)

Cher. J. 77

MEMORANDUM.

Josie Pettit, nee Josie Gineahead, P. O. Sallisaw, Okla. 19 years old not on Eastern Cherokee roll, lived with September Moss after death of mother, was raised by Henry Dougherty who promised to have her enrolled.

Father, Charlie Gineahead, Cher. roll 19303, full blood.
Mother, Jennie Flute, formerly Jennie Gineahead, nee Jennie Vann, died in 1895, before enrollment
Half-brother, Wash Flute, Cher. roll No. 28506, full blood, six years.

Examine 1894 strip payment for name of applicant.

Recommend enrollment of Josie Pettit, provided she is not identical with Wahoene Pettit, No. 28453 - 11-female - full-blood.

Dec. 20, 1911, Commissioner to the Five Tribes requested to forward the testimony in re enrollment of Wahoene Pettit, No. 28453.

Proof not entirely satisfactory. May be enrolled by another name than Pettit Probably however is the party for whom application was made as Josie Niggerhead. Field Card D. 2954

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

RECEIVED
OCT 5 1915
Referred to
DEPT. No. 6647

SUPPLEMENTAL PROCEEDINGS, In Re enrollment of Josie Pettit.

PROCEEDINGS had near Vian, Oklahoma, January 31, 1911, before Mr. S. A. Mills, on behalf of the Commissioner.

Examination by Mr. Mills:

Henry Daugherty, being first duly sworn, testifies as follows:

Q State your name, age and Post Office address? A Henry Daugherty; 35 yeags old; P. O., Vian, Okla.

Q Are you an enrolled Cherokee citizen? A Yes Sir. And my wife Nannie. (See F.C.R.#19329 and 19330)

Q Do you know one Josie Pettit? A Yes. I partly raised her.

Q Under what name did you raise her? A Josie Guineahead.

Q Where is Josie Guineahead now? A She is alive and living close to Sallisaw; she married a feilow named Jack Pettit.

Q About how old is Josie? A She ought to be about 18 years old.

Q Have you any written record of her birth? A No Sir. I have not; only what her father told me.

Q What was Josie's father's name? A Charlie Guineahead.

Q What was her mother's name? A Jennie Vann, before she married; she was a daughter of Tom Vann; they used to live at Sillisaw, but later at Braggs.

Q Was she ever known by the name of Flute? A I do not know.

Q Where is Charlie Guineahead now? A He died last year.

Q Where is Jennie Vann, the mother of Josie? A She is dead; she died when Josie was about 7 or 8 years old.

Q Has Josie any brothers or sisters? A Two half-brothers, I don't know their names.

Q Where do they live. I don't know, only close to Sugar Mountain some place.

Q Who was Josie living with when you got her? A I do not know the name. Her father and I went after her and her father gave her to me to raise. We got her at the stomp ground at Sugar Mountain.

Q Do you know whether any application was ever made for Josie Guineahead? A Yes. I made application for her before the Dawes Commission; we looked all through the records and could not find her.

Q What Commission was that? the Dawes Commission? A No. I can not tell what commission it was; it was some commission to look over these people.

Q Was it the Dawes Commission? A I reckon it was; they came to Vian; I was notified to come but we could not find anything out about her.

Q What name did you give in for her? A Josie Guineahead; that was her name; I have known her all her live.

Q How long since has Josie left you? A It has been a little over a year now, just a little before her father died, he came and got her; she lived with us about six or seven years.

Q Did you ever hear her father say that he had ever made application for her enrollment? A No Sir. I did not, but he said he would try to get her on the rolls.

Q Do you know whether or not he succeeded? A No Sir, I do not. You stated you do not know the family with whom Josie Guineahead was living at the time you and her father went after her? A No Sir.

Ans Ex 10,

Q And all that you knew about that is that it was a family who was living on Sugar Mountain, which is near Wellisn? A Yes. And her half brothers are living there now, I guess.

Q Do you know a Cherokee Indian by the name of September Mose? A No Sir. I do not know him but I heard that name and that is the name of the family that they told me Josie was living with when I went after her with her father, but I do not know them.

Q Then it was with the family of September Mose whom Josie was living with when you andher father went after her? A Yes Sir.

Q Do you know of any children of Charlie Guineahead besides Josie? A No Sir. I don't know, only I hear there was, but I do not know what their names are.

Q Is Josie Pettit, formerly Josie Guineahead, considered a full blood Cherokee citizen? A Yes. I guess she is, she was generally known and considered by everyone as full blood Cherokee citizen, being the daughter of Charlie Guineahead and Jennie Wann, they are both full blood Cherokee Indians.

Q How comes that Josie Guineahead became a member of your family? A Charlie Guineahead, the father of Josie Guineahead, is my kin-people. He was running around the country and had no wife and came to me andasked me to take the child and raise her and I agreed to do so, and he and I went after her and found her on the Sugar Mountain stomp grounds. She was then living with September Mose's family and her fathem took her and gave her to me to raise her.

Q Did Charlie Guineahead recognize and hold out Josie Guineahead to be his lawful child? A Yes Sir.

Q Do you know of any other name that Josie Guineahead was ever known by besides Josie Guineahead? A No Sir. I do not know; that is the only name I ever heard her called; that is the name her father gave me when he first talked to me about her.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 3rd day of February, 1911.

Edward Merrick
Notary Public.

YEA
Cher

Department of the Interior,
Commission to the Five Civilized Tribes.
Marble, Ind. Ter., May 16, 1902.

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SUPT. OF IND. SCHOOLS
OCT 25 1902
6617

In the matter of the application of Charlie Guineahead, for the enrollment of himself and his wife Sallie Guineahead, and his two minor children Susie and Tieska Guineahead, as citizens of the Cherokee Nation:

CHARLIE GUINEAHEAD, being duly sworn, and examined by the Commission, through official interpreter James M. Seabolt, testified as follows:

Q What is your name ? A Charlie Guineahead.
Q What is your age ? A 40.
Q What is your post office address ? A Salliasaw, I. T.
Q In what district do you reside ? A Sequoyah.
Q For whom do you make application ? A Yourself, my wife, and two minor children.
Q Do you claim to be a Cherokee by blood ? A Yes sir.
Q What degree of Cherokee blood do you claim ? A Full blood.
Q Have you ever been recognized as a citizen by the tribal authorities of the Cherokee Nation ? A Yes sir.
Q Does your name appear upon the tribal rolls of the Cherokee Nation ? A Yes sir.
Q What was the name of your father ? A Guineahead.
Q Is he living ? A No sir.
Q Was he a Cherokee by blood ? A Yes sir.
Q In what district did he reside ? A Sequoyah.
Q What was the name of your mother ? A Sarah Guineahead.
Q Is she living ? A No sir.
Q Was she a Cherokee by blood ? A Yes sir.
Q In what district did she reside ? A Sequoyah.
Q How long have you resided in the Cherokee nation ?
A All my life.
Q Is your wife a recognized citizen of the Cherokee Nation ?
A Yes sir, a full blood.
Q What is her name and her age ? A Sallie Guineahead, and she is about 38 I reckon.
Q Is she living ? A Yes sir.
Q Is she a full blood Cherokee ? A Yes sir.
Q In what district does she reside ? A Canadian.
Q Do you live with her ? A Yes sir.
Q Do you live with her regularly ? A Yes sir.
Q How is it then that your wife resides in the Canadian District and you in Sequoyah District ? A The reason she is living there is that she won't come over here in Sequoyah and live, where I generally live.
Q Have you ever been separated from her ? A No sir.
Q What are the names and ages of your two minor children ?
A Susie, age about 8; Tieska, about 9 years old.
Q Are they both now living ? A Yes sir.
Q Are you the father of these two children ? A No sir, they are my step-children.
Q What is the name of their father ? A The father of Tieska is named [illegible].
Q What is the name of the father of Susie ? A I don't know.
Q What is the name of the mother of these two children ?
A Sallie Guineahead.
Q She is your present wife ? A Yes sir.
Q Is your wife Sallie Guineahead a recognized citizen of the Cherokee Nation ? A Yes sir.
Q Is she a full blood Cherokee Indian ? A Yes sir.
Q She resides in the Canadian District ? A Yes sir.

Q What was the name of her mother ? A I don't know.
Q In what district did he reside ? A In Canadian 6617
Q Is he living ? A No sir.
Q Was he a Cherokee by blood ? A Yes sir.
Q What was the name of your wife's mother ?
A I don't know what her name was. I never saw her.
Q Is she living ? A No sir.
Q Was she a full blood Cherokee Indian ?
A My wife always said she was a full blood.
Q In what district did she reside ?
A I suppose she lived in Canadian district.
Q How long has your wife resided in the Cherokee Nation ?
A All her life I reckon.

--The 1880 Cherokee roll examined and the name of the applicant Charlie Guinnahead found and identified thereon at page 698, # 549, Sequoyah District;

--The 1880 Cherokee roll examined and the name of Sallie Guinnahead is found and identified thereon at page 698, # 550, Sequoyah District;

--The 1896 Cherokee roll examined and the name of applicant found and identified thereon as Charles Guinnahead at page 29, # 801, Canadian District;

--The 1896 Cherokee roll examined and the name of Sallie Guinnahead is found and identified thereon as Sallie Guinnahead, at page 29, # 802, Canadian District;

--The 1896 Cherokee roll examined and the name of Suzie Guinnahead is found and identified thereon as Suzie Guinnahead, at page 29, # 803, Canadian District;

--The 1896 Cherokee roll examined and the name of Tieska Guinnahead is found and identified thereon as Tieska Guinnahead, at page 29, # 804, Canadian District;

W. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Ex-Stenographer.

Subscribed and sworn to before me this JUL 15 1902, 1902.

Notary Public.

WHP
Cher

3017

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 14, 1902.

In the matter of the application of Betsy Mixwater, for the enrollment of herself, her two minor children Daniel and Mary Mixwater, and her ward Wash Flute, as citizens of the Cherokee Nation:

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OCT 25 1915
UNCLASSIFIED TO
DEPT. No. 1617

BETSY MIXWATER, being duly sworn, and examined by the Commission, through official interpreter George O. Sanders, testified as follows:

Q What is your name ? A Betsy Mixwater.
Q What is your age ? A About 40.
Q What is your post office address ? A Muskogee, I. T.
Q In what district do you reside ? A Tahlequah.
Q For whom do you make application ?
A For myself and my two children, and an orphan child.
Q What are the names and ages of your two minor children ?
A Daniel Mixwater, age, 13; Mary Mixwater, age, 9.
Q Are these two children both now living ? A Yes sir.
Q What is the name and age of your orphan child ? A Wash Flute, his age is 6 years.
Q Is he now living ? A Yes sir.
Q Does he live with you ? A Yes sir.
Q Do you claim to be a Cherokee by blood ? A Yes sir.
Q What degree of Cherokee blood do you claim ? A Full blood.
Q Have you ever been recognized as a citizen by the tribal authorities of the Cherokee Nation ? A Yes sir.
Q Does your name appear upon the tribal rolls of the Cherokee Nation ? A Yes sir.
Q What is the name of your father ? A Jim Campbell.
Q Is he living ? A No sir.
Q Was he a full blood Cherokee ? A Yes sir.
Q In what district did he reside ? A Tahlequah.
Q What is the name of your mother ? A Nancy Campbell.
Q Is she living ? A No sir.
Q Was she a full blood Cherokee ? A Yes sir.
Q In what district did she reside ? A Tahlequah.
Q Have you resided in the Cherokee Nation all your life ?
A Yes sir.
Q Are you the mother of Daniel and Mary Mixwater ? A Yes sir.
Q What is the name of their father ? A David Mixwater.
Q Is he living ? A No sir.
Q Was he a full blood Cherokee ? A Yes sir.
Q In what district did he reside ? A Tahlequah.
Q Is Wash Flute a recognized citizen of the Cherokee Nation ?
A Yes sir.
Q Is he a full blood Cherokee ? A Yes sir.
Q In what district does he reside ? A Tahlequah.
Q What is the name of his father ? A Mark Flute.
Q Is he living ? A No sir.
Q Was he a full blood Cherokee ? A Yes sir.
Q In what district did he reside ? A Tahlequah.
Q What is the name of Wash Flute's mother ? A Jennie Flute.
Q Is she living ? A No sir.
Q Was she a full blood Cherokee ? A Yes sir.
Q In what district did she reside ? A Tahlequah.
Q Does Wash Flute live with you ? A Yes sir.

—The 1896 Cherokee roll examined and the name of Betsy Mixwater is found and identified thereon at page 1302, # 8001, Tahlequah District;

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--The 1896 Cherokee roll examined and the name of Daniel Mixwater is found and identified thereon at page 1206, # 2004, Tahlequah District;

--The 1896 Cherokee roll examined and the name of Mary Mixwater is found and identified thereon at page 1206, # 2005, Tahlequah District;

--The delinquent list of unenrolled citizens on the 1896 Cherokee roll examined, and the name of Betsy Mixwater is not found thereon;

--The 1896 Cherokee roll examined and the name of Wash Flute is found and identified thereon at page 860, # 705, Illinois District, together with his father Mark Flute, and his mother Jennie Flute, at page 860, # 706, and 704, respectively;

--The delinquent list of unenrolled citizens on the 1896 Cherokee roll examined, and the names of the father and mother of Wash Flute are not found thereon.

GEORGE O. SANDERS, called as a witness, being duly sworn, and examined by the Commission, testified as follows:

Q What is your name ? A George O. Sanders.
Q What is your age ? A 63.
Q What is your post office address ? A Wauhillau, I. T.
Q Are you a citizen of the Cherokee Nation ? A Yes sir.
Q Have you been summoned by the Commission to assist in the identification of Cherokee citizens ? A Yes sir.
Q Do you know the applicant here, Betsy Mixwater ? A Yes sir.
Q How long have you known her ?
A For thirty-five years or more.
Q Is she a full blood Cherokee ? A Yes sir.
Q Has her citizenship ever been questioned by the Cherokee Nation ?
A No sir.
Q Is she generally regarded by the Cherokee people as a citizen of the Cherokee Nation ? A Yes sir.
Q Do you know Wash Flute ? A No sir.

SAM SANDERS, called as a witness, being duly sworn, and examined by the Commission, testified as follows:

Q What is your name ? A Sam Sanders.
Q What is your age ? A 59.
Q What is your post office address ? A Wauhillau, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir.
Q Have you been requested to assist the Commission in the identification of Cherokee citizens ? A Yes sir.
Q Do you know the applicant here, Betsy Mixwater ? A Yes sir.
Q How long have you known her ? A Ever since she was a child.
Q Is she a full blood Cherokee ? A Yes sir.
Q Has her Cherokee citizenship ever been questioned by the Cherokee Nation ? A No sir.
Q Is she generally regarded by the Cherokee people as a citizen by blood of the Cherokee Nation ? A Yes sir.
Q Did you know the father or mother of Wash Flute ?
A I knew his father.
Q What was his name ? A Mark Flute.
Q Was he a full blood Cherokee Indian ? A Yes sir.
Q You did not know the mother of Wash Flute?
A No sir.

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H. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

H C Bagwell

Subscribed and sworn to before me this JUL 15 1902, 1902.

[illegible]

WHA
Cher

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 14, 1902.

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OCT 25 1915
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In the matter of the application of John Campbell, for the enrollment of himself, his wife Alice Campbell, and his two minor children, Celsakuntsy and Susan Campbell, and his three stepchildren Josie, Charlette and Aggie Flute, as citizens of the Cherokee Nation:

JOHN CAMPBELL, being duly sworn, and examined by the Commission through official interpreter George O. Sanders, testified as follows:

Q What is your name ? A John Campbell.
Q What is your age ? A I don't remember; about 36.
Q What is your post office address ? A Muskogee, I. T.
Q In what district do you reside ? A Tahlequah.
Q For whom do you make application ?
A For myself, my wife, my two children and three step children.
Q What is the name and age of your wife ? A Alice Campbell; her age is something like 40.
Q Is she living ? A Yes sir.
Q What are the names and ages of your two minor children ?
A Celskuntsy Campbell, age, 5 years; Susan Campbell, age, 2 years.
Q Are they both living ? A Yes sir.
Q What are the names and ages of your three step children ?
A Josie Flute, 14; Charlette Flute, 11; Aggie Flute, 6;
Q Are these three step children all now living ? A Yes sir.
Q Do they live with you ? A Yes sir.
Q Do you claim to be a Cherokee by blood ? A Yes sir.
Q What degree of Cherokee blood do you claim ? A Full blood.
Q Have you ever been recognized as a citizen by the tribal authorities of the Cherokee Nation ? A Yes sir.
Q Does your name appear upon the tribal rolls of the Cherokee Nation ? A Yes sir.
Q What is the name of your father ? A Dave Campbell.
Q Is he living ? A No sir.
Q Was he a full blood Cherokee ? A Yes sir.
Q In what district did he reside ? A Tahlequah.
Q What is the name of your mother ? A Millie Campbell.
Q Is she living ? A Yes sir.
Q Is she a full blood Cherokee ? A Yes sir.
Q In what district does she reside ? A Tahlequah.
Q Have you resided in the Cherokee Nation all your life ?
A Yes sir.
Q Is your wife a recognized citizen of the Cherokee Nation ?
A Yes sir.
Q Is she a full blood Cherokee ? A Yes sir.
Q In what district does she reside ? A Tahlequah.
Q What is the name of her father ? A George Ross.
Q Is he living ? A No sir.
Q Was he a full blood Cherokee ? A Yes sir.
Q In what district did he reside ? A Flint.
Q What is the name of your wife's mother ?
A Sar-kee-leh-ri-ster.
Q Is she living ? A Yes sir.
Q Is she a full blood Cherokee ? A Yes sir.
Q In what district does she reside ? A Flint.
Q Has your wife resided in the Cherokee Nation all her life ?
A She was one of the North Carolina Cherokee that came here in 1881.
Q Is your present wife the mother of Celskuntsy and Susan Campbell?
A Yes sir.
Q You are their father ? A Yes sir.

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Q Is she also the mother of Jesie, Charlette and Aggie Flute ?
A Yes sir.
Q Do Jesie, Charlette and Aggie Flute reside in the Tahlequah District ? A Yes sir.
Q What is the name of their father ? A Sam Flute.
Q Is he living ? A No sir.
Q Was he a full blood Cherokee ? A Yes sir.
Q In what district did he reside ? A Tahlequah.
Q Have these three step children resided in the Cherokee Nation all their lives ? A Yes sir.
Q Was your wife a North Carolina Cherokee ? A Yes sir.

--The 1880 Cherokee roll examined and the name of John Campbell is found and identified thereon at page 745, # 370, Tahlequah District;

--The list of North Carolina Cherokees who removed to the Cherokee Nation, Indian Territory, on June 8, 1851, under an act of the National Council of the Cherokee Nation, approved December 3, 1880, examined, and the name of Cloe Campbell is found and identified thereon as Cleah Ross, at # 8.

--The 1896 Cherokee roll examined and the name of John Campbell is found and identified thereon at page 1146, # 435, Tahlequah District;

--The 1896 Cherokee roll examined and the name of Cloe Campbell is found and identified thereon as Alce Campbell, at page 1146, # 436, Tahlequah District;

--The 1896 Cherokee roll examined and the name of Jesie Flute is found and identified thereon at page 1166, # 966, Tahlequah District;

--The 1896 Cherokee roll examined and the name of Charlette Flute is found and identified thereon at page 1166, # 968, Tahlequah District;

The Commission: It will be necessary for you to furnish birth affidavits in the cases of Calskuntuy and Susan Campbell, and Aggie Flute, to be made by the mother and the midwife who was in attendance at their births, before their enrollment as citizens of the Cherokee Nation can be completed.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this JUL 15 1902, 1902.

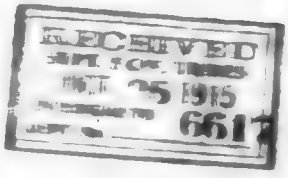
F G Reeter

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee D 2564.

In the matter of the application for the enrollment of

Josie Nigerhead as a citizn of the Cherokee Nation.



:

ORDER.

THE RECORDS OF THIS OFFICE SHOW: That on June 30, 1902, Emmet Starr appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Josie Nigerhead as a citizen of the Cherokee Nation.

THE EVIDENCE IN THIS CASE SHOWS THAT said Josie Nigerhead is identified on the Cherokee Census roll of 1896 as a Cherokee by blood.

The application made on June 30, 1902/ in behalf of the above named applicant, included all persons whose names were found upon the Cherokee rolls of 1880 and 1896, not theretofore accounted for. Since these applications were made the Commission and the Commissioner to the Five Civilized Tribes have diligently sought information that would enable them to identify the persons whose names are included therein.

During the month of August, September and October, 1902/ the Commission to the Five Civilized Tribes maintained an office at Tahlequah, the Capital of the Cherokee Nation, during which time the National Council of said Nation was in session each and every member of which upon request , appeared before said office and gave such information as he possessed relative to the identity of the persons whose names are included in said applications; a special enrolling party traveling overland has covered the Cherokee Nation seeking information as to these persons; at the Cherokee Land Office opened on January 1, 1903.,at Vinita , and afterward removed to Tahlequah, Indian Territory, such information has been constantly sought; and since the filing of said applications the General Office of the Commission and the Commissioner, located at Muskogee, Indian Territory, has used all available means and to secure evidence as to whether or not the persons whose names are included in said applications were living on September 1, 1902. and if so, whether or not they were entitled to Cherokee citizenship on that date.

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On July 31, 1905, a published list containing the names of all persons included in theseapplications, who had not theretofore been accounted for, was issued in the form of a supplement to several newspapers in general circulation in the Cherokee and Creek Nations, and notice was given that the applications for the enrollment of the persons named in said list concerning whom no information could be secured prior to December 1, 1905would be dismissed,
No information has been obtained tending to show the status of Josie Nigerhead on September 1, 1902.

IT IS THEREFORE ORDERED: That the application for the enrollment of Josie Nig erhead as a citizen of the Cherokee Nation be, and the same is, hereby dismissed, without prejudice.

(signed) Tams Bixby.

Commissioner.

Dated at Muskogee, Indian Territory.
this Dec. 27, 1905.

JESS W. WATTS JAMES W. BREEDLOVE
WATTS & BREEDLOVE
LAWYERS
SALLISAW, OKLAHOMA

NOV 24 1913

90635

November 4, 1910.

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SUPT. 5 CIV. TRIBES
OCT 25 1915
ENCLOSURE TO
DEPT. No. 6617

Hon. Commissioner to the Five Tribes,

Muskogee, Okla.

Dear Sir:

I write this letter and ask you to kindly refer it to Judge Pollock, Special Assistant Secretary of the Interior, who is making an investigation of certain Indians left off of the roll made by the five tribes. I am attorney for one Josie Quineahead, who is a full blood Cherokee Indian beyond question, Has been born and raised in this County, but through some neglect has been left off of the Cherokee roll and cannot be identified.

In connection with the matter, I give the following facts and ask that Mr. Pollock give the matter consideration: Josie Guineahead, is the daughter of Jennie Flute, whose name appears on Cherokee card No. 9106 as the mother of Wash Flute, enrolled opposite Cherokee roll No. 28506. Jennie Flute was the wife of Wash Flute, also the wife of Charlie Guineahead, and was before her marriage to him, Jennie Baldridge.

My client Josie Guineahead is the child of this Jennie Flute by her former husband Charlie Guineahead, all parties being full blood Cherokee's. My client speaks nothing by Cherokee language, does'nt know one word of english. I have tried to identify her on the Cherokee roll, but it seems a certain fact that she has been left off. She was living with the Henry Daugherty family at the time the present roll was made, and I have received some information that she was listed by the commission upon a care as Josie Niggerhead.

She is an orphan and her case deserves investigation. All of the old citizens of this County know her and will positively identify her and her parentage. Any information or assistance

JESS W. WATTS JAMES W. BREEDLOVE
WATTS & BREEDLOVE
LAWYERS
SALLISAW, OKLAHOMA

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which I can give in the matter will be gladly furnished and I will appreciate any effort upon the part of your office of the Interior Department to identify this party or to place her upon the roll so that she may not loose her rights as a full blood Cherokee Indian.

Thanking you in advance for any information, I am,

Yours respectfully,

James W. Breedlove

JWB BB

On 1896 Roll as Josie Nyguist ?

Josie Nyguist on Field Card D. 2954

[illegible]

RECEIVED
JUL 24 1913

Muskogee, Oklahoma, November 9, 1910.

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RECEIVED
SUPT. 5 CIV. TRIBES
OCT 25 1915
ENCLOSURE TO
DEPT. No. 6647

Mr. James W. Breedlove,

Sallisaw, Oklahoma.

Sir:

I am in receipt of your communication of November 4th relative to the claim of one Josie Guinneahead to be upon the Cherokee rolls. I find that application was made for one Josie Nigerhead, but no proof was ever submitted to identify her or establish her right to enrollment. It is possible that this is the child in whose interest you write and that she was on the 1896 roll. Mr. Reed and Mr. Mills are making investigation of cases in the Cherokee country and will be at Sallisaw sometime in the near future. Present this matter to them.

Very respectfully,

Assistant Attorney.

WCP(AMK)

DEPARTMENT OF THE INTERIOR,

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,

WASHINGTON,

December 28, 1911.

RECEIVED
SUPT. 5 CIV. TRIBES
OCT 25 1915
ENCLOSURE TO 9617
DEPT. No.

The Commissioner to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Application for enrollment as a Cherokee has been made for Josie Pettit, formerly Josie Guineahead, 19 years old. The proof submitted is not entirely satisfactory, but it seems quite probable that this is the same party for whom application was made as Josie Niggerhead, Cherokee Field Card D-2954. It is alleged that the father of this woman is Charlie Guineahead, Cherokee Roll No. 19303, and the mother Jennie Flute or Guineahead, formerly Jennie Vann, who died before enrollment. It is also alleged that she has a half brother enrolled as Wash Flute, Cherokee Roll No. 28506.

Will you please cause the records of your office to be examined and advise me of anything they may disclose to assist in a decision whether this party should be recommended for enrollment. I would like to know also whether her name appears on the 1894 Strip PaymentRoll.

Very respectfully,

Assistant Attorney.

Land-
Allotments.
Cher.J.
Josie Flute.
9 R

Identity of
Josie Flute.

Josie Flute
Cherokee Nation
Tallahassee report

RECEIVED
SUPT. 5 CIV. TRIBES
OCT 25 1915
ENCLOSURES TO
DEPT. No. 6617

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

You are requested to ascertain if Josie Pettit is not identical with Josie Flute, Cherokee Roll No. 20872.

In connection therewith you are requested to transmit the testimony taken in the matter of the enrollment of Charley Guineahead, Cherokee Roll No. 19303, Wash Flute, No.28506, and Josie Flute, No. 2872.

You are requested to also inspect the 1894 Cherokee Strip payment roll and ascertain if the name of Josie Pettit appears thereon.

Respectfully, (Signed) F. H. Abbott.

11-RFP-27

Assistant Commissioner.

Christian Science
No 77
Pettit Case

U. INDIAN AFFAIRS
RECEIVED
OCT 24 1913
90635

Refer in reply to the following.

JCK.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Oklahoma. December 31, 1911.

Hon. W.C. Pollock.

Assistant Attorney, Interior Department.

Washington, D.C.

RECEIVED
SUPT. 5 CIV. TRIBES
OCT 25 1915
ENCLOSURE TO
DEPT. No. 6647

Sir;

Receipt is acknowledged of your letter of December 28, 1911, stating that application for enrollment as a Cherokee has been made for Josie Pettit, formerly Josie Guineahead, 19 years old. The proof submitted is not entirely satisfactory, but seems quite probable she is the same party for whom application was made as Josie Nigerhead, Cherokee Field Card D-2954. You further state that it is alleged that the father of this woman is Charlie Guineahead, Cherokee Roll No. 19303, and the mother Jennie Flute or Guineahead, formerly Jennie Vann, who died before enrollment, and Wash Flute, Cherokee Roll No. 28506, a half brother.

You request that I cause the records of this office to be examined and advise you of anything they may disclose to assist in a decision whether this party should be recommended for enrollment. You also desire to know if her name appears on the 1894 Strip Payment Roll.

Replying thereto you are advised that no record can be found showing where any application was ever made for the enrollment of the person above referred to under the name of Josie Pettit, formerly Guineahead: However the name of Josie Nigerhead appears upon the 1896 Roll , at which time her age was shown as 5 years, the names of her parents are not given, and a pencil notation thereon shows her to be registered by Mark Fluke. Her name does not appear upon the 1894 Strip Payment Roll. On June 30, 1902 an application was made in behalf

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of said Josie Nigerhead, including all persons whose names were found upon the Cherokee Rolls of 1880 and 1896, and, not theretofore accounted for. Her name was placed upon Cherokee Doubtful Card No. 2954.

The Commission and the Commissioner to the Five Civilized Tribes endeavored to secure more information that would enable them to identify Josie Nigerhead but after all available means to secure evidence as to who her parents were and whether she was living on September 1, 1902, failed, the application for her enrollment was on December 27, 1905, dismissed.

Find enclosed a copy of the order dismissing said application.

Respectfully,

K.- 2.

Clerk

Refer in reply to the following:

I.O.2235
JCK-L

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Land-Allotments
Cher.J.

Josie Flute
G R

Muskogee, Oklahoma, January 6, 1911.

3017

Subject:
Identity of
Josie Flute.

RECEIVED
DEPT. & CIV. TRIBES
OCT 25 1915
ENCLOSURES TO
DEPT. No. 6617

The Honorable

The Commissioner of Indian Affairs.

Sir:

I have the honor to acknowledge the receipt of your letter of December 30, 1911, in which you desire to know if Josie Pettit is not identical with Josie Flute, Cherokee Roll No. 20872. In connection therewith I am requested to transmit the testimony taken in the matter of the enrollment of Charley Guineahead, Cherokee Roll No. 19303, Wash Flute, Cherokee Roll No. 28506 and Josie Flute, Cherokee Roll No. 20872. You also request that I inspect the 1894 Cherokee strip payment roll and ascertain if the name of Josie Pettit appears thereon.

Replying thereto I beg to advise that no record can be found where any application was ever made for the enrollment of any person under the name of Josie Pettit, with the exception of the one made to Mr. W. C. Pollock, Assistant Attorney of the Interior Department, in the latter part of 1910, at the time he was in Oklahoma personally investigating cases

of persons claiming to have been inadvertently left off the roll. The original testimony taken at that time, after being transcribed, was forwarded to Mr. Pollock, one copy was furnished to the Cherokee National Attorney, and one kept in this office. The copy retained in this office was misplaced while moving to new quarters and has not yet been located, and I am therefore unable to furnish you with the names of the parents of said Josie Pettit, which were probably given in said testimony. I suggest that such information can be obtained from the original copy furnished Mr. Pollock.

The name of Josie Pettit does not appear upon the 1894 strip payment roll or upon the 1896 census roll.

The name of Josie Flute appears upon the approved roll of citizens by blood of the Cherokee Nation at No. 20872. Her mother, Olce Flute, appears upon the same roll at No. 20871. Her father, Sam Flute, died before enrollment.

Copies of the testimony of Charley Guineahead, Wash Flute and Josie Flute, Cherokee roll Nos. 19303, 28506 and 20872 respectively, are herewith enclosed.

Very Respectfully,

Commissioner.

Enc.L-2

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RECEIVED
OCT 25 '91
DEPT. OF 6617

Look up Strip Payment of 1934 and see if September Rose then drew payment for this applicant?



Cher 11093

Sinda Phillips

Cher 11093

DEC 24 1913

DEPARTMENT OF THE INTERIOR. 90635

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FORTHE ENROLLMENT, as cherokee Citizens, of Sinda and Olie Phillips, who appear upon the Eastern Cherokee Roll opposite Nos. 3817 and 3818, and shown not to appear upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had at Gore, Oklahoma, December 27, 1910, by Mr. S. A. Mills, on behalf of the Commissioner.

Interpreted by Nelson L. Crapo, Gore, Okla., who was first duly sworn.

Examination by Mr. Mills.

Arch Phillips being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Arch Phillips; age 45; P.O., Gore, Okla.

Q Are you an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.#29124)

Q What is your wife's name? A Nancy Phillips.

Q Are you enrolled upon the Eastern Cherokee Roll and did you participate in the distribution of the Eastern Cherokee Fund? A Yes; all excepting my wife who, for some reason or other, was omitted although she was entitled to enrollment upon the Eastern Cherokee Roll and to her share of the Eastern Cherokee money. When I made application for myself and the rest of my family I made application for her too, but she never got any money.

Q Under what name was you and your family, such as were enrolled, enrolled under on the Eastern Cherokee Roll? A Willie Arch.

Q What children did you name in your petition for enrollment upon the Eastern Cherokee Roll? A Wilson, John, Jimmie, Ahama, Lucy, Maggie, George, Sinda andOlie. (See E.C.R.# 3809 to 3816 inclusive).

Q Are all these children enrolled upon the Final Rolls of the Five Civilized Tribes as Cherokee Citizens? A All of them excepting Sinda and Olie.

Q Was your son Wilson ever known by any other name? A Yes; Johnson.

Q Was your son Jimmie ever known by any other name? A No sir; just Jim.

Q Was your child Aggie ever known by any other name? A Yes; Peggie. (See F.C.R.#29126) to and including 29132.

Q You stated that you had a daughter called Sinda who ~~kxx~~ you had enrolled upon the Eastern Cherokee Roll and who participated in the distribution of the Eastern Cherokee Fund and who does not appear upon the Final Rolls of the Cherokee Nation: Have you ever heretofore made application for her enrollment before the Dawes Commission? A No sir; I didn't know anything about it.

Q When was Sinda born? A Born Apr. 10, 1904.

Q ~~Have you a record of that date?~~ A Yes. (Here witness introduces a yearly almanac for the year 1904 and shown month of April marked to show the birth of Sinda to be on the 10th day of Apr. 1904.

Q Is Sinda now living? A Yes sir; living with us at home; there she is--indicating the child.

Q Who was present at the time of the birth of Sinda? A Just myself.

Q You also named a child Olie for whom you made application for enrollment upon the Eastern Cherokee Roll for the purpose of participating in the distribution of the Eastern Cherokee fund and for whom you stated you had not made application for enrollment before the Dawes Commission for enrollment on the Final Rolls of the Five

Civilized Tribes? Where is she now? A She is dead.
Q When did Olie Die? A On the 10th day of May 1908.
Q When was she born? A On the 2nd day of March, 1906.
Q Have you a written record of the date of the birth and the date of thedeath of your child Olie? A Yes sir. (Here witness introduces Almanac for the year 1906 marked showing the date of the birth, and another one showing the date of the death as testified to.
Q I note that you introduce a different Almanac for each of the dates you have been questioned upon. Have you an Almanac record, that is, a separate Almanac for each of the dates of the births and deaths of your family? A Yes sir. (Witness has several Separate Almanac books, each one being for the year of the several events and the months in the year being marked and referred to by witness, showing the dates in question.
Q Who was present at the birth of your child Olie? A No one buy myself.
Q Is it a fact that you alone delivered your wife of all her children? that you had no midwife present at their several births? A Yes sir; I attended to all ofthem myself.

Nancy Phillips being first duly sworn testifies as follows:
Q State your name, age and post Office address? A NancyPhillips; age 45; P.O., Gore, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.#29125)
Q Are you the wife of Arch Phillips, a cherokee Citizen? A Yes sir.
Q Are you the mother of Sinda and Olie Phillips, who are also enrolled as Sinda and Olie Arch upon the Eastern Cherokee Roll? A Yes sir.
Q Do you know if Sinda orOlie Phillips have been enrolled upon the Final Rolls of the Cherokee Citizens, or if any application has ever been made heratofore for them? A I don't know.
Q Where is Sinda Phillips now? A Alive and living with me.
Q When was Sinda born? A Like my husband showed you. Here witness refers to Almanac record submitted by her husband Arch Phillips.
Q Where is Olie Phillips now? A She is dead.
Q When was Olie born? A Same as my husband showed you. (Here witness refers to Almanac record submi ted by Ardh Phillips.
Q Who waited upon you when Sinda and Olie were born? A My husband, Arch Phillips.

Sinda Phillips is present and appears to be of the age and blood claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W. E. Foltz

Subscribed and sworn to before me on this 9th day of January, 1911.

R. P. Harrison, Clerk
By Edward Herrick
Deputy.

JUL 24 1913

90635

Cher. J. 91.

MEMORANDUM.

Sinda Phillips, P. O. Gore, Oklahoma, on Eastern Cher. roll No. 3817 as Sinda Arch, born April 10, 1904, still living. Dec 27, 1910 Olie Phillips, on Eastern Cher. roll No. 3818, as "Olie Arch died June 7, 1908" born Mar. 2, 1906, not on F. C. T. rolls. Died May 10 08

Father, Arch Phillips, Cher. roll No. 29124 - full blood
Mother, Nancy Phillips " " " 29125 "
Brother, Johnson Phillips " " 29126 "
" John Phillips " " " 29127 "
" Jim Phillips " " " 29128 "
" Ahama Phillips " " " 29129 "
" George Phillips " " " 29132 "
Sister, Lucy Phillips " " " 29130 "
" Peggie Phillips " " " 29131 "

No previous application, "I didn't know anything about it."

Recommended that Sinda Phillips and Olie Phillips be enrolled as minor full blood Cherokees.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES 90635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation.

of Linda Phillips [Here insert name of child], born on the 10th day of April 1904.

Name of Father: Arch Phillips a citizen of the Cherokee Nation.

Name of Mother: Nancy Phillips a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee, Roll #19174 Tribal enrollment of mother Cherokee, Roll #19175.

Postoffice Stone Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Sequoyah, County ..... District.

I, Nancy Phillips on oath state that I am about 45 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of Arch Phillips, who is a citizen, by Blood, of the Cherokee Nation; that a Female [Male or Female] child was born to me on 10th day of April, 1904; that said child has been named Linda Phillips, and was living March 4, 1906, and is now alive and living with me.

her
Nancy X Phillips
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { W. L. Carson Stone Okla
W. E. Falls Muskogee Okla

Subscribed and sworn to before me this 7th day of December 1906.

R. P. Harrison - Clerk
By A. Ellis - Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Sequoyah, County ..... District.

I, Arch Phillips, a ..... on oath state that I attended on Nancy Phillips my wife of on the 10th day of April, 1904; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Linda Phillips and is now alive living with us.

his
Arch X Phillips
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { W. L. Carson Stone Okla.
W. E. Falls Muskogee Okla

Subscribed and sworn to before me this 7th day of December 1906.

R. P. Harrison - Clerk
By A. Ellis - Deputy ~~Notary Public.~~

DEC 24 1913

90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Olie Phillip - Deceased May 10 1908, born on the 7th day of March 1906.

Name of Father Arch Phillip a citizen of the Cherokee Nation.

Name of Mother Nancy Phillip a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee, Dead Tribal enrollment of mother Cherokee, Roll No 29145.

Postoffice Glore Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, } ss.
Sequoyah, Court District.

I, Nancy Phillip on oath state that I am about 45 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of Arch Phillip, who is a citizen, by Blood of the Cherokee Nation; that a Female child was born to me on the 7th day of March, 1906; that said child has been named Olie Phillip and was living March 4, 1906, and died May 10, 1908

her
Nancy X Phillip
mark

WITNESSES TO MARK:
W. L. Cooper Okla
Mrs Ella Tucker Okla

Subscribed and sworn to before me this 27th day of December 1913

R P Harrison — Clerk
By Allen Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, } ss.
Sequoyah, Court District.

I, Arch Phillip a ....., on oath state that I attended on Nancy Phillip on the 7th day of March 1906, when there was born to her on said date a Female child, that said child was living March 4, 1906, and is said to have been named Olie Phillip, and that said child is now dead having died May 10-1908

his
Arch X Phillip
mark

WITNESSES TO MARK:
W. L. Cooper Okla
Mrs Ella Tucker Okla

Subscribed and sworn to before me this 27th day of December 1913

R. P. Harrison - Clerk
By Allen - Deputy Notary Public.

Cher 11094
Walter Potter

Cher 11094

90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-- ----------

IN RE APPLICATION FOR ENROLLMENT, as a Cherokee Citizen, of Walter Potter.

PROCEEDINGS had at Wansas, Oklahoma, January 19, 1911, before Mr. S. A. Mills, on behalf of the Commissioner.

Examination by Mr. Mills:

Albert Potter, being first duly sworn, testifies as follows:
Q State your name, age and Post Office addres? A Albert Potter; age, 27 years old; Row, Okla.
Q Are you an enrolled Cherokee Citizen? A No sir.
Q What is the purpose of you appearing before me at this time? A To make application for the enrollment of my son Walter Potter.
Q Who is the mother of Walter Potter? A Susie.
Q Is she an enrolled Cherokee Citizen? A I think she is enrolled as Susie Silcox. (See F.C.R.#20254)
Q When was this, your son Walter, born? A Feb. 13, 1906.
Q Is he now alive and living with you? A Yes sir; with myself and his mother.
Q Have you a written record of that event? A No sir; I have not.
Q How do you fix the date so positively? A Ido not know of anythin sure of it, only he was born on the 13, and they always told me that the 14th was Ground Hog day; I have nothing to fix the year fo r sure.
Q Who was present when your child Walter was born? A Myself, my wife and the midwife, Harriet Burgin.

Susie Potter, being first duly sworn, testifies as follows:
Q State your name, age and Post Office address? A Susie Potter, Row, Okla; age about 24 years old.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#20254)
Q Were you enrolled upon the Eastern Cherokee Roll ~~xxxxxx~~ and participated in the Eastern Cherokee Payment? A Yes sir. (See E.C.R.#21592)
Q Have you a son Walter Potter? A Yes sir.
Q Who is the father? A Albert Potter.
Q Is he an enrolled Cherokee Citizen? A No sir.
Q Are you the legal wife of Albert Potter? A Yes sir.
Q How were you married? A Under U.S. license and married at Tahlequah.
Q When was this your son Walter born? A 13th day of Feb. 1906.
Q Have you a written record of that date? A No sir, we have no record, never kept any.
Q How do you fix the date so positively as being Feb. 13, 1906? A Just from memory. I have no education and I can hardlywrite.
Q Who was present when this child Walter was born? A Harriet Burgin
Q Did she act in the capacity as midwife? A Yes sir.
Q Can you not fix the date of the birth of your son Walter more positively ~~xxx~~ and definitely to be about that time? A No sir; I cannot, only just as I remember it.

Harriet Burgin, being first duly sworn, testifies as follows:

Q State your name, age and Post Office address? A Harriet Burgin; 60 years old;6th day of March; Row, Okla.
Q Are you an enrolled Cherokee Citizen? A No sir; white woman.
Q Do you know Albert, and his wife Susie Potter? A Yes sir.
Q Well acquainted with them? A Yes sir.
Q How long have you known them? A Since they were little children.
Q Do you know of them having a son named Walter? A Yes sir; I waited on Susie when he was born.
Q What is that child's name? A Walter Potter.
Q When was he born? A I cannot way exactly, but I think about the 13th day of Feb. 1906.
Q Have you a record of that event? A No sir, but I know it was in 1906.
Q How do you know it to be 1906? A I know he was just one year younger than my little grand-daughter.
Q How old is your grand-daughter? A She was six years old last Nov.
Q Did you act in the capacity of Midwife? A Yes sir.
Q Do you keep a record of births that you assist in? A No sir; I do not keep any record, I leave that for the parents to do.
Q Are you sure beyond a question of a doubt that this child Walter Potter was born Feb. 13, 1906? A Yes sir; I am sure it was in 1906 and some time in February, but I am not sure of the day.
Q Is Walter Potter now alive? A Yes sir; there he is (indicating the child).

The child was present and appeared to be of the age and blood claimed.

W. F. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W F Foltz

Subscribed and sworn to before me this 24th day of January, 1911.

Edward McGirk
Notary Public.

90635

Cher. J. 177

MEMORANDUM.

Walker Potter, minor Cherokee by blood, born February 13, 1906, living March 4, 1906, produced at the hearing and appeared to be of the age and blood claimed.

Father- Albert Potter, P. O. Row, Okla. a non-citizen.

Mother- Susie Potter enrolled as Susie Silcox, roll No. 20254, 1/4 Cherokee by blood.

Mother is enrolled as Susie Potter of Row, Okla. Eastern Cherokee roll No. 21592 but her child Walker Potter alleged to have been born on Feb. 13, 1906 and living prior to May 28, 1906, the date of the judgment of the Court of Claims, does not appear thereon with the mother.

Witnesses, January 19, 1911, father, mother and midwife, Harriet Burgin of Row, Okla. Birth affidavit filed.

April 4, 1910, Albert Potter of Row, Okla. called upon for statement.

April 4, 1910 W. W. Hastings requested to examine marriage license record and report date of marriage of parents.

Recommends enrollment of Walker Potter as a minor Cherokee by blood.

Case # 177

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....

as a citizen of

..... Nation.

Approved..... 190...

.....
Commissioner.

OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Walter Potter [Here insert name of child] born on the 13th day of February 1906.

Name of Father: Albert Potter a non citizen of the Nation.

Name of Mother: Lussie Potter a citizen of the Cherokee Nation.

Tribal enrollment of father none Tribal enrollment of mother Cherokee Roll No. 20250.

Postoffice

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory.~~ State of Oklahoma
Delaware County District.

I, Lussie Potter, on oath state that I am 24 years of age and a citizen by blood, of the Cherokee Nation; that I am the lawful wife of Albert Potter, who is a non citizen, by , of the Nation; that a male [Male or Female] child was born to me on 13th day of February, 1906.; that said child has been named Walter Potter and was living March 4, 1906, and is now alive and living with me.

Lussie Potter

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 19th day of January 1907

R. P. Harrison - Clerk
By [illegible] - Deputy
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory.~~ State of Oklahoma
Delaware County District.

I, Harriet Burgin a midwife, on oath state that I attended on Lussie Potter, wife of Albert Potter on the 13th day of Febrary 1906.; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Walter Potter who is now alive and living with her parents.

Harriet Burgin

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 19th day of January 1907

R. P. Harrison - Clerk
By [illegible]
Notary Public.

Land-
Allotment
Cher. J. 177
G R

APR -7 1911

Requests report.

FOR FILE.

Mr. W. W. Hastings,

National Attorney for the Cherokee Nation,

Tahlequah, Okla.

Sir:

In re application for the enrollment of Walter Potter, a minor Cherokee by blood, alleged to have been born February 13, 1906, it appears from the testimony taken at a hearing had on January 19, 1911, at Kansas, Okla. that Albert Potter of Row, Okla, the father and his wife Susie Potter the mother were married under United States license issued at Tahlequah, Okla.

The name of Susie Potter appears opposite No. 21592 upon the Eastern Cherokee roll but the name of the child Walter Potter alleged to have been born February 13, 1906, does not appear thereon although the Eastern Cherokee roll is made up of "individual beneficiaries living and entitled to participate as Eastern Cherokees in said fund on May 28, 1906".

If the child Walter Potter was born February 13, 1906 or prior to May 28, 1906, no reason is assigned by the mother in her testimony for her failure to apply for a distributive share

in the Eastern Cherokee fund for her son Walter then living.

You are requested to examine the marriage license record on file in the county clerk's office at Tahlequah, Okla. and ascertain the date of marriage of Albert Potter and Susie Silcox.

Prompt report will be appreciated.

Respectfully,

(Signed) C. F. Hauke,

Second Assistant Commissioner.

4-MBS-4

A 8

REFER IN REPLY TO THE FOLLOWING: 5-1100

ADDRESS ONLY THE COMMISSIONER OF INDIAN AFFAIRS

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON K. APR -7 1911

Land-
Allotment
Cher. J. 177
G R



Requests information.

Mr. Albert Potter,

Row, Okla.

Sir:

On January 19, 1911 you applied for the enrollment of your son Walter Potter, the issue of your wife Susie Potter nee Silcox, Cherokee roll number 20254, as a minor Cherokee by blood.

The roll of Eastern Cherokees shows that your wife Susie Potter applied for her distributive share of the Eastern Cherokee fund, Eastern Cherokee roll number 21592, but it does not appear that she ever applied for the distributive share of her son Walter Potter alleged to be then living.

You are requested to advise this office why no application was made for the payment of a distributive share of the Eastern Cherokee fund to Walter Potter alleged to have been born February 13, 1906.

You are also requested to advise this office as to the date of your marriage to Susie Silcox, your present wife.

Respectfully,

E D Hauke

4-MBS-4

Second Assistant Commissioner.

W. C. ROGERS, Principal Chief
D. M. FAULKNER, Assistant Chief
W. W. HASTINGS, National Attorney

EXECUTIVE DEPARTMENT

CHEROKEE NATION
TAHLEQUAH, OKLAHOMA

A. S. CUNNINGHAM, Executive Secretary
C. J. HARRIS, Assistant Secretary
J. H. COVEL, Interpreter

32613

April Tenth,
Nineteen Hundred Eleven.

Commissioner of Indian Affairs,

Washington, D. C.

Sir:

Replying to your inquiry In Re Application for the Enrollment of Walter Potter, (Land-Allotment-Cher. J.-177) dated April 7, 1911, requesting an examination of the records on file in the office of the county clerk here at Tahlequah and a report of what they showed to be the date of the marriage of Albert Potter to Susie Silcox, will say that the record of marriage licenses issued by the Deputy United States Clerk in charge of the Clerk's office here at Tahlequah before Statehood were, upon the admission of Oklahoma to Statehood, transferred to the head office at Vinita, Oklahoma, and they are supposed to be on file in the office of the county clerk of Craig County at Vinita, Oklahoma.

Immediately upon the receipt of your letter, after ascertaining that the records were with the county clerk at Vinita, I wrote the county judge of

CIA--2.

Craig County, located at Vinita, Oklahoma, to furnish me with the information requested in your letter, and urged upon him an early reply. As soon as this information is received I shall transmit it to you.

Yours truly,

W. W. Hastings.

National Attorney for the Cherokee Nation.

H-B

31687

April 14th 1911

Dept of the Interior
Office of
Indian Affairs
Washington

Sirs

Rec'd your letter of the 4th inst. in reference to the Reason I Didn't apply for Walter's Eastern Money his Mother Said he was all right and I Didn't Believe in any distribution him & his mother. Susie then Started her mother I had hard work to get her to Settle in her appropriation I did consider it one of the Best deals I have Ever had difficulties

We were Married
August 30th 1904
by Charles A Ramsey
Clerk of the U S Court at
Tahlequah
the Cherokee
Nation Okla
Rosalind Thos. Neill
Witness and the
Officiating
Minister

A B. Potter

Now
Okla

OFFICE OF
JUDGE OF COUNTY COURT
S. F. PARKS, Judge
VINITA, OKLA.

1911
24970

4/17/1911.

Hon. T. T. Hastings,

Tahlequah,

Oklahoma.

Dear Sir:

Replying to your letter regarding the records in the matter of the marriage license of Albert Potter and Susie Silcox, will say that the records of my office have been searched and inquiries have been made in the other offices, and we have failed to find any record of any license issued to these parties. My clerk has gone through all of the records in our office, and hav failed to disclose that any such license was ever issued to these parties.

Respectfully,

S F Parks

County Judge.

W. C. ROGERS, Principal Chief
D. M. FAULKNER, Assistant Chief
W. W. HASTINGS, National Attorney

A. B. CUNNINGHAM, Executive Secretary
C. J. HARRIS, Assistant Secretary
J. M. COVEL, Interpreter

EXECUTIVE DEPARTMENT

APR 24 1913

90635

CHEROKEE NATION
TAHLEQUAH, OKLAHOMA

APR 21 1911

34970

April Eighteenth,
Nineteen Hundred Eleven.

Commissioner of Indian Affairs,

Washington, D. C.

Sir:

Replying further to your inquiry regarding the record of the issuance of a marriage license to Albert Potter to marry Susie Silcox by the Clerk of the United States Court here at Tahlequah, permit me to refer to my former communication in which I stated that all of these records had been transferred from the various court towns in the Northern District to the principal office located at Vinita, Indian Territory, now Oklahoma. As I previously advised you, I wrote the County Judge of Craig County, being the county in which Vinita is located and of which it is the county seat, and he advised me that he has had all of the records searched and they do not show any license was ever issued to Albert Potter to marry Susie Silcox.

Enclosed herewith I forward you his letter.

Yours very truly,

William W. Hastings

National Attorney for the
Cherokee Nation.

Encl.

May 21 1911

45663

P.O.

Albert Potts

Row of Okra

Row of Okra

(COPY)

Office of Indian Affairs
Received May 25 1911
45635

May 21, 1911

Office of Indian Affairs

Washington, D. C.

Did you get my letter I wrote the 14th of April 1911 that you requested me to and. some questions relative to the enrollment of Walter Potter. I have forgot the inroll No. I received a letter from you dated 7 April 1911.

Hoping to hear soon about this matter,

Yours very truly,

Albert Potter.

P. O.

Albert Potter,

Row, Okla

Row, Okla.

(COPY)

Office of Indian Affairs
Received Apr 21 1911
54970

Office of Indian Affairs
Received Jul 24 1913
90635

EXECUTIVE DEPARTMENT
CHEROKEE NATION
Tahlequah, Oklahoma.

April Eighteenth,
Nineteen Hundred Eleven.

Commissioner of Indian Affairs,

Washington, D. C.

Sir:

Replying further to your inquiry regarding the record of the issuance of a marriage license to Albert Potter to marry Susie Silcox by the Clerk of the United States Court here at Tahlequah, permit me to refer to my former communication in which I stated that all of these records had been transferred from the various court towns in the Northern District to the principal office located at Vinita, Indian Territory, now Oklahoma. As I previously advised you, I wrote the County Judge of Craig County, being the county in which Vinita is located and of which it is the county seat, and he advised me that he has had all of the records searched and they do not show any license was ever issued to Albert Potter to marry Susie Silcox.

Enclosed herewith I forward you his letter

Yours very truly,

William W. Hastings

National Attorney for the
Cherokee Nation.

Cher 11095

J. George Porter

Cher 11095

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Sallisaw, Oklahoma, December 19,1910.

IN RE ENROLLMENT, as Cherokee Citizen of J. George Porter, who appears upon the Eastern Cherokee Roll opposite No.21668, and is shown not to appear upon the Final Rolls of the Five Civilized Tribes.

Examination by Mr. E. A. Mills on behalf of the Commissioner:

G. W. Holcomb being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A G. W. Holcomb, 34 years old, Sallisaw, Okla.

Q Are you an enrolled Cherokee Citizen? A No sir, a white man.

Q For what purpose do you appear here at this time? A For the purpose of getting this boy--indicating J. George Porter-- enrolled.

Q Under what authority are you acting? A As his legal guardian.

Q Have you a certificate of appointment as guardian? A Here witness submits certified copy of his appointment as guardian of the child, J. George Porter.

Q Who are the parents of this child, J. George Porter? A James M. Porter and Millie Porter.

Q Are they enrolled Cherokee Citizens? A Yes sir; that is the father is, the mother is not, she was a white woman and never was on the roll. (See F.C.R.#27247)

Q Where are the parents at this time? A They aredead.

Q When did they die? A The father died in May 15, 1908, and the mother, I think, April 15, 1910.

Q Has this child any brothers or sisters? A He has one sister.

Q What is her name? A Myrtle Porter.

Q Is Myrtle Porter a Cherokee Citizen? A Yes sir. (See F.C.R.#27248)

Q When was this child, J. George Porter, born, the year, month and day? A January 10, 1904.

Q Have you a record of that date? A No sir, I suppose there are none.

Q How do you fix the date so positively to be January 10, 1904? A By a witness who was present at the time of the childs birth?

Q Who is that person? A Fannie Scoggins.

Q Have you, or do you know of any one ever making application for this child before? A I suppose his father and Mr. Frye did two years ago at Westville before a Mr. Rosson, representative of the Commissioner.

Q Have you, since being appointed the legal guardian of this child, made application for the enrollment of him? A No sir; his father did for the Immigrant Roll.

Q Did you draw his share of the Eastern Immigrant monies? A Yes sir, as guardian.

Q Have you anyway of determining the age of this child, J. George Porter, other than by the witness Mrs. Scoggins? A I obtained his age from his mother who said he would be seven years old next January, but she had forgotten the exact date.

Q Have you any other information to determine the age than what Mrs. Scoggins and the childs mother has told you? A No sir, I think not.

Q Then your statement as to the date of the birth of your ward, J. George Porter, is a matter of information and yet of your own personal knowledge? A Yes sir.

Q Where is this child, J. George Porter, now? A He is living with me and there he is--indicating the child.

Q What quantity of blood has this child? A He is supposed to be a half blood. I think his father was enrolled as full blood.
Q You state that there has been an application heretofore made by the parent of J. George Porter for his enrollment and the same was made before Mr. Rosson, at Westville? A Yes sir.

Mrs. Fannie Scoggins being first duly sworn testifies as follows:
Q State your name, age and Post Office address? A Fannie Scoggins, age 29 years old the 3rd day of next March, P. O. Hanson, Okla.
Q Are you an enrolled Cherokee Citizen? A No sir, I am a white woman.
Q Did you know one James M. Porter, a full blood Cherokee Citizen? A Yes sir.
Q Where is he now? A He is dead.
Q Did you know his family? A Yes sir.
Q What was his wife's name? A Millie Porter.
Q Where is she now? A She is dead.
Q Was she a Cherokee citizen? A No sir, a white woman.
Q Did she have any children? A Yes sir, two, Myrtle and this child, J. George Porter--indicating the child.
Q How long have you known this child, J. George Porter? A Seven years the 10th of this coming January; I was present at his birth.
Q Have you a record of the date of the birth of this child, J. George Porter? A No sir, just remembering when he was born.
Q How doyou fix the date so positively at January 10, 1904, which would be the date in accordance with your testimony? A My little girl ~~xxxx

JUL 24 1913
90635

61.

Memorandum.

J. George Porter, Eastern Cherokee, Roll No. 21568,
not enrolled on F. C. T. roll.
Born January 10, 1904, living, produced at the hearing and appeared to be of the age and quantum of blood claimed.

Father- James M. Porter, deceased, full blood Cherokee, Roll No. 27247.

Sister- Myrtle Porter, 1/2 blood Cherokee, Roll No. 27248.

Mother- Millie Porter- intermarried white, not enrolled, now deceased.

Witnesses- Dec. 19, 1910 C. W. Holcomb of Sallisaw, Okla. legal guardian of J. George Porter who lives with his enrolled sister, Myrtle, at the home of his guardian. Bothparents are deceased, the Father J. George Porter having been enrolled prior to his death, (see Roll No. 27247) and the mother, a white woman not enrolled. No evidence of marriage filed but as applicant's sister who is the issue of same parents, is enrolled, it is presumed that his sister was enrolled upon satisfactory evidence of marriage being furnished in her case and as applicants father is deceased, it is recommended that J. George Porter be enrolled as a minor of 1/2 Cherokee by blood.

20

Act of Congress Approved April 26 1906

IN RE

Application for Enrollment of

~~INFANT~~ Minor CHILD

J. George Porter

as a citizen of

Cherokee Nation.

Approved 190

Commissioner.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Enrollment of Minors. Act of Congress approved April 26, 1906.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,

of J. George Porter, born on the 10th day of January, 1904
(Here insert name of child)

Name of Father: James M. Porter a citizen of the Cherokee Nation.

Name of Mother: Millie Porter non a citizen of the Nation.

Tribal enrollment of father Cherokee Roll #27247 Post-office Sallisaw Okla

Tribal enrollment of mother ———

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, , on oath state that I am

years of age and a citizen, by , of the Nation;

that I am the lawful wife of , who is a citizen, by

, of the Nation; that a (Male or female) child was

born to me on day of ; that said child has been named

, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this day of 190....

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. State of Oklahoma
Sequoyah County District.

I, Fannie Scoggins, a , on oath state that I attended on Mrs. Millie Porter, wife of James M. Porter on the 10th day of January, 1904, that there was born to her on said date a male (MALE OR FEMALE) child; that said child was living March 4, 1906 and is said to have been named J. George Porter, and he is now living with his Legal Guardian, T. B. Halcomb

WITNESSES TO MARK: Fannie Scoggins

(Must be Two Witnesses)

Subscribed and sworn to before me this 19th day of December 1910

Seal

R. P. Harrison - Clerk
By D. A. Mills - Deputy

(COPY)

Copy

No. 11095

In the matter of the guardianship of

J. George and Myrtle Porter.

G. W. Holcomb Guardian

LETTERS OF GUARDIANSHIP.

Filed ... 191...

Recorded in Guardian Record Book ... Page ...

TAKEN UP AND ENTERED ON DOCKET IN COUNTY COURT.

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME, GREETING:

IT APPEARING to the Court from the petition of G. W. Holcomb, duly verified, that he is a resident of Custer County, Oklahoma, and that he is a suitable person to be appointed guardian of the person and estate of J. George and Myrtle Porter, minors under the age of twenty-one years, residing in Custer County, Oklahoma, and that he has given notice of the time and place of hearing his petition for letters of guardianship, as required by law, and the Court having heard the evidence in support of said petition, and being fully advised in the premises, finds that said petition should be granted, and that said G. W. Holcomb should be appointed guardian of the person and estate of said minors.

NOW, THEREFORE, I, ... Clerk of the County Court, within and for said County and State, by virtue of the power and authority in me vested by law, do hereby appoint the said G. W. Holcomb guardian of the person and estate of said minors, and I hereby authorize him to take charge of the estate of said minors, and to collect, receive and receipt for all moneys belonging to said estate, and to do all other acts necessary to be done in the premises, as directed by law.

Witness my hand and the seal of said County Court, this the 19th day of December, A. D. 1910.

SEAL

CLERK OF THE COUNTY COURT.

STATE OF OKLAHOMA)
) ss
CUSTER COUNTY.)

I, ... Clerk of the County Court within and for said County and State, do hereby certify that the foregoing is a full, true and correct copy of the original on record in my office, and that I have compared the same with the original and that it is a correct transcript therefrom and of the whole thereof.

Witness my hand and official seal this ... day of ... A. D. 191...

SEAL

... Clerk.

STATE OF OKLAHOMA.

COUNTY OF SEQUOYAH.

I, M. D. Jones, Clerk of the County Court, of the above County and State, do hereby certify, that the within and foregoing is a true and correct copy of the Letters of guardianship, of the within cause, as the same appears of the original on record in this Court.

Witness my hand and the seal of said Court, this the 19th day of December, A. D. 1910.

M. D. Jones

CLERK OF THE COUNTY COURT.

SEAL

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90636

LETTERS OF GUARDIANSHIP.

STATE OF OKLAHOMA, SEQUOYAH COUNTY. IN COUNTY COURT.

In the matter of the Guardianship of
J. George and Myrtle Porter.

G. W. Holcomb is hereby appointed Guardian of the persons and estates of J. George and Myrtle Porter.

Witness W. B. Littlejohn, Judge of the County Court of Sequoyah County County, State of Oklahoma, with the seal thereof affixed, this 2 day of July A.D. 1909.

W. B. Littlejohn, County Judge.

STATE OF OKLAHOMA)
SEQUOYAH COUNTY.) ss I,G. W. Holcomb do wolemnly swear that I will discharge all and singular the duties of Guardian of the persons and estates of J. Geroge and Myrtle Porter according to law, and to the best of my ability. So help me God.

Subscribed and sworn to before me, this 2 day of July A.D. 1909

Cher 11096

Ada Pumpkin

Cher 11096

Department of the Interior.
Commission to the Five Civilized Tribes.
January 5, 1911.

In Re application for enrollment as a citizen of the Cherokee Nation of Ada Pumpkin, shown upon the Eastern Cherokee Roll opposite #21836, but does not appear upon the Final Roll of the Five Civilized Tribes.

Frank Pumpkin, being first duly sworn, testified as follows;

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION.

Q State your name, age and post-office address? A Frank Pumpkin; about thirty years old, post-office, Mazie, Oklahoma.
Q Are you an enrolled Cherokee citizmen? Yes. (Cherokee Roll #5275).
Q Have you a child named Ada who has not been enrolled upon the final rolls of the Five Civilized Tribes?
A Yes, sir.
QWas your child Ada enrolled upon the Eastern Cherokee Roll, and drew her share of the Eastern Cherokee Emigrant fund? A Yes,- I drew it for her. (Eastern Cherokee Roll #21836)
Q I notice on the Eastern Cherokee Roll that opposite No.21835 and #21836 the names of Frank Pumpkinpile and Ada Pumpkinpile, post-office address, Chouteau, Oklahoma. A My wife, my daughter and myself were enrolled on the Eastern Cherokee Roll as Pumpkinpile, but it should have been Pumpkin, as that is our right name, and that was a mistake.
Q Then in fact your name is Frank Pumpkin and your child is named Ada Pumpkin? A Yes.
Q Who is the mother of this your child Ada? A Annie Pumpkin.
Q Is she an enrolled Cherokee citizn? A Yes. (Cherokee Roll #18881.
Q When was your child Ada born? A January 10, 1905,-- she will be six years old the 10th of this month.
Q Have you a written record of the date of the birth of Ada? A No,
Q How do you fix the date of the birth of Ada as being the 10th day of January, 1905, withhout having a written record? A I just remember it. The child is six years old the 10th of this month.
Q Who was present when this your child Ada was born? A Polly Tadpole.
Q Have you ever made application for the enrollment of your child Ada? A Yes, I tried it once.
Q When and where? A I think it has been about three years ago, at Muskogee.
Q What was done in the matter by the Dawes Commission? A They couldn't find her name on the record, and wouldn't do nothing more about it.
Q Who is Ada living with now? A Living with me and my wife; her she is (indicating the child)
Q

Annie Pumpkin, being first duly sworn, testified as follows:

Q State your name, age and post-office? A Annie Pumpkin, about twenty-one years old; post-office Mazie, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes . (Cherokee Roll #18881))
Q Are you the wife of Frank Pumpkin? A Yes.
Q Are you the mother of Ada, his daughter? A Yes.
Q When was Ada born? A January 10, 1905.
Q Have you any written record of the date of the birth of this child? A No.
Q How do you fix the date as being January 10, 1905? A Just remember it.
Q Do you know of any application ever having been made for the enrollment of this, your child, Ada? A Yes; her father went to the Dawes Commission about it.
Q Did you ever receive any letter or any other information in regard to the matter? A No.

Polly Tadpole, being first duly sworn, testified as follows:

Q State your name, age and post-office address? A My name is Polly Tadpole, age about seventy-five years; post-office Chouteau, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #23360)
Q Do you know Frank Pumpkin? A Yes, and his wife, Annie Pumpkin, Annie is my grand-daughter.
Q Were you present when a child was born to your grand-daughter, Annie Pumpkin, named Ada? A Yes, sir.
Q Who is the father of that child? A Frank Pumpkin.
Q Was you present when that child was born? A Yes; I waited on her, acting as mid-wife.
Q How old is this child Ada, if you know?
A In five days she will be six years old.
Q Is she alive at this time? A Yes, she is living with her parents.

Note: Child was present and had the appearance of being of the age and blood claimed.

W. H. Byrd, being first duly sworn, states that the above and foregoing transcript is a true and correct transcript of his stenographic notes taken in this case.

W H Byrd

subscribed and sworn to before me on this the 20th day of January, 1911.

R. P. Harman Clerk
by [illegible] Deputy

90635

Cher. J. 165

MEMORANDUM.

Ada Pumpkin, enrolled as Ada Pumpkinpile, Eastern Cherokee roll No. 21836, name not on F. C. T. roll, born January 10, 1905, living March 4, 1906, still living. Child produced at hearing and appeared to be of the age and blood claimed.

Father- Frank Pumpkin, P. O. Mazie, Okla. No. 6275, Cherokee full blood.

Mother, Annie Pumpkin, Roll No. 18881, 3-4 blood Cherokee. Previous application claimed to have been made by the father " three years ago at Muskogee" "They couldn't find her name on the record and wouldn't do nothing more about it."

Witnesses- January 5, 1911, father, mother and grandmother Polly Tadpole, acting midwife, of Choteau, Okla.

Birth affidavit also filed.

Recommended that Ada Pumpkin be enrolled as a minor Cherokee by blood.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR. 90635

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Ada Pumpkin [Here insert name of child] born on the 10th day of January 1905

Name of Father: Frank Pumpkin a citizen of the Cherokee Nation.

Name of Mother Annie Pumpkin a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll #6275. Tribal enrollment of mother Cherokee Roll #12881

Postoffice Maige. Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~ State of Oklahoma,
Mayo County ~~District~~.

I, Annie Pumpkin, on oath state that I am about 21 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful wife of Frank Pumpkin, who is a citizen, by Blood, of the Cherokee Nation; that a Female [Male or Female] child was born to me on the 10th day of January, 1905; that said child has been named Ada Pumpkin and was living March 4, 1906. ~~my~~ is now alive and living with me.

Annie her X Pumpkin
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { Lester Pond, Tahlequah, Okla
A Ellis Muskogee Okla

Subscribed and sworn to before me this 5th day of January 1906.

R. P. Harrison - clerk
By A Ellis - Deputy - ~~Notary Public~~.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~ State of Oklahoma,
Mayo County ~~District~~.

I, Polly Paddock a midwife, on oath state that I attended on Annie Pumpkin wife of Frank Pumpkin on the 10th day of January 1905; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Ada Pumpkin who is now alive and living with her parents.

Polly her X Paddock
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { Lester Pond, Tahlequah, Okla
A Ellis - Muskogee Okla

Subscribed and sworn to before me this 5th day of January 1906.

R. P. Harrison - clerk
By A Ellis - Deputy - ~~Notary Public~~.

Cher 11097

John Rhodes

Cher 11097

Enc L-51

10/10

Colin Rhodes
claims 2nd
7-2-00

38

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Hulbert, Oklahoma, November 15, 1910.

In the matter of the application for the enrollment as a Cherokee citizen of John Rhodes, whose name appears on the Eastern Cherokee roll, but does not appear upon the final roll of the Commissioner to the Five Civilized Tribes.

Testimony taken before George Reed,
Clerk of the Commissioner of
Indian Affairs.

Ella Rhodes beging first duly sworn testified as follows, through United States Indian Policeman, R. L. Taylor, interpreter.

Q What is your name, age and postoffice address?
A Ella Rhodes, about 26; Hulbert, Oklahoma.
Q Are you an enrolled Cherokee citizen?
A Yes (Cherokee roll No. 23158)
Q Are you married? A Yes.
Q Who is your husband? A Jim Rhodes.
Q Is he a citizen of the Cherokee nation?
A No, he is a white man.
Q Have you any childred enrolled? A No.
Q Have you a child not enrolled? A Yes, two.
Q What are their names? A John and Turner.
Q How old is John? A Six years next February.
Q How old is Turner? A He is two years old.
Q What year and month and day was John born? A February 22/06.
Q Have you any bible or book record of the date John was born?
A No, just remember it.
Q Who was present at the time John was born? A No one. I was all alone; I sent for mamma and it was the next day before she got there; my husband went after her leaving me alone.
Q Where is your mother now? A I don't know.
Q Where is your husband, Jim Rhodes? A I don't know; he left me.
Q Have you ever made any application for the enrollment of this child John? A No.
Q Why not? A I didn't know anything about it.
Q When was Turner born, the year month and day?
A March 5, 1908.
Note: This being at such a late date no further testimony was taken as to Turner.
Q Can you, in any manner other than through your memory, as

stated, fix the date of the birth of this child, such as by some circumstance or incidate that will bring out the date more positively?
A No. I know how old that child is, and I know that's right.
Witness excused.

Note
The child was pfesent and looked to be of half blood and of about the age claimed.

Walter Cochran being first duly sworn testified as follows, through Interpreter Taylor.

Q What is your name, age and posteffice address?
A Walter Cochran; about 65; Hulbert, Oklahoma.
Q Are you an enrolled citizen of the Cherokee Nation
A Yes (Cherokee roll No. 15317)
Q Do you know Kila Rhodes? A Yes, she is my niece. My brother's child.
Q Has Kila Rhodes a child? A Yes, two, John and Turner.
Q How old is John? A Going on six years old.
Q When was John born? A I don't know the month or year.
Q But you know he is past five years old? A Yes.
Q Is John Rhodes the child of James Rhodes? A I don't know.
Q Were you present when John Rhodes, the child of Kila Rhodes, was born? A No, but soon after it was born I saw it.
Q How long? A Saw it the next day.
Q When was Turner born? A Don't know the exact date; over two years ago.
Q Who is the father of these children of Kila Rhodes?
A I don't know; they say Jim Rhodes is the father of John.
Q Is he a Cherokee citizen? A No, white man.
Q Where is this Jim Rhodes, the father of John Rhodes, if you know? A I don't know.
Q Do you know of anyone who was present at the birth of John Rhodes? A No; no one was there when he was born. Her mother came there the next day.
Q Where is her mother now? A Donat know.
Q Does anyone know where she is? A Not that I know of; I havn't heard from her for a long time.
Witness excused.

I, S. A. Mills, hereby certify that the above and foregoing is a true and correct copy of my long hand notes taken in the above entitled case at Hulbert, Oklahoma, on November 15, 1910.

S A Mills

Subscribed and sworn to before me this 9 day of December, 1910

T. P. Harrison
Clerk of the United States Court for the Eastern District of Oklahoma.

By S A Mills Deputy

90635

MEMORANDUM.

John Rhodes, minor Cherokee by blood, born February 22, 1906. Still living.

Name John Rhodes appears on Eastern Cherokee roll, No. 22371, but not on E. C. T. roll.

Father - Jim Rhodes - a non-citizen- white man.

Mother - Ella Rhodes enrolled as Ella Cochran, 3/4 blood Cherokee, Roll No. 23108.

Witnesses - Nov. 15, 1910 , mother and her brother, Walker Cochran- Child is illegitimate and mother abandoned by putative father.

Child produced at hearing and appears to be of age and degree of blood claimed.

Birth affidavit executed and filed.

And another child named Turner Rhodes, two years old, born after March 4, 1906, whose father is not shown. Born too late.

Recommended that John Rhodes be enrolled as a minor Cherokee by blood.

20

Act of Congress Approved April 26, 1906

IN RE

Application for Enrollment of

Minor

~~INFANT~~ CHILD

John Rhodes, et al

as a citizen of

Cherokee Nation.

Approved 190

Commissioner.

Ra COPY.

Office of Indian Affairs
Received Jul 1 24 1914
90635

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Enrol ment of Minors. Act of Congress, Approved April 26, 1906

In Re Application for Enrollment, as a citizen of the Cherokee Nation,

of John Rhodes (Here insert name of child), born on the 22nd day of February, 1905

Name of Father: James Rhodes now a citizen of the Cherokee Nation.

Name of Mother: Ella Rhodes, nee Cochran, a citizen of the Cherokee Nation.

Tribal enrollment of father not enrolled

Tribal enrollment of mother Card No. 23158 Post-office Hulbert, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Cherokee County, State of Oklahoma

I, Ella Rhodes, nee Cochran, on oath state that I am 26 years of age and a citizen, by blood, of the Cherokee Nation, No. 23158 that I am the lawful wife of James Rhodes, who was a citizen, by marriage, white man, of the Cherokee Nation; that a male child was born to me on 22nd day of February, 1905; that said child has been named John Rhodes, and was living March 4, 1906, and is still living with me at Hulbert, Okla.

WITNESSES TO MARK:

Ella Rhodes

(Must be Two Witnesses)

Subscribed and sworn to before me this 15th day of November 1910

(Seal)

R. P. Harrison - Clerk
By S. A. Mills, Deputy.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
Cherokee County, State of Oklahoma

I, Walker Cochran, uncle of Ella Rhodes, nee Cochran, a Cherokee by full blood Roll No. 15317, on oath state that I am well acquainted with Ella Rhodes, wife of James Rhodes, and that there was born to her on the ____ day of ____, 19__, a male child; that said child was living March 4, 1906, and is said to have been named John Rhodes, now about six years old and the child is still living with its mother Ella Rhodes nee Cochran

WITNESSES TO MARK:

Walker X Cochran
mark

(Must be Two Witnesses)

George Reed 1488 Newton St. Washington, D. C.
P. L. Taylor, Westville Ok.

Subscribed and sworn to before me this 15th day of November 1910.

(Seal)

R. P. Harrison, Clerk
By S. A. Mills, Deputy

(Copy)

Muskogee, Oklahoma, December 7, 1912.

Office Of Indian Affairs
Received Jul 24 1913
90635

Hon. C. H. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony re-
specting the enrollment as a Cherokee citizen of John Rhoder,
taken in the course of my investigation.

Respectfully,

Inc. I-81

Assistant Attorney.

(Copy)

Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testaminy respecting the enrollment as a Cherokee citizen of John Rhodes, taken in the course of my investigation.

Respectfully,

Enc. L-51

Assistant Attorney.

Cher 11098
Welling Sack

Cher 11098

Department of the Interior.
Commission to the Five Civilized Tribes.
Peggs, Oklahoma.
December 9, 1910.

In Re Application for Enrollment as citizens of the Cherokee Nation of Welling Sack.

Rachel Sack Dick, being first duly sworn, testified as follows, through Thomas P. Roach, Interpreter:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q State your name, age and post-office address. A Rachel Sack Dick; twenty-eight years old; Peggs, Oklahoma.
Q Are you an enrolled Cherokee citizen? Yes. (Cherokee Roll #18187).
Q Have you any children who are not enrolled as Cherokee citizens that should be? A Yes, one.
Q What is that child's name?
A In English it is Welling Sack; in Cherokee it is Ammu-gar-woo-go Sack
Q Is this Welling Sack or Ammu-gar-woo-go, now alive? A Yes, living with his grand-father, Old or Nee-da-gur-gah Sack, and his grand-mother, Sallie Sack, or in Cherokee, Ga-ta-yah Sack. (Cherokee Roll numbers 29670 and 29671), near Locust Grove, Oklahoma
Q How old is your son, Welling or Ammu-gar-woo-go Sack? A He is seven years old
Q When was he born, year, month and day, if you can state?
A I think on the 9th day of February, 1903.
Q Have you any record of that date, either bible, book or otherwise so as to positively state the day? A No, sir.
Q How do you fix the date then to be February 9, 1903?
A Like any mother knows when a child of hers is born.
Q Who was present at the time of the birth of your son, Welling Sack or Ammu-gar-woo-go? A No one was present when the child was born; it was born while I was out in the yard; his grand-mother Ga-ta-yah, or Sallie Sack, was sitting in the house. I was taken sick out in the yard and the child was born without anyone being there to assist me.
Q Who first saw the child after it was born? A My mother-in-law Sallie or Ga-ta-yah Sack.
Q Who is the father of your son, Welling or Ammu-gar-woo-go Sack? A Jack Sack . (Cherokee Roll #18186)
Q Were you the lawful wife of the said Jack Sack? A Yes.
Q How many children were born to Jack Sack by you? A Two, one was still born.
Q You said that your son, Welling or Ammu-gar-woo-go Sack is living with his grand-father and grand-mother, Old Sack and Sallie Sack.

A Yes, sir.
Q Where is the father of your son? A He is married again and living with his wife about a quarter of a mile from his father and mother and where the child is staying.
Q Do you know if any application has ever heretofore been made for the enrollment of your son, Welling or Ammu-gar-woo-go Sack? A I don't know.
Q Did you make application for a part of the Eastern Cherokee Payment for him? A Yes, sir.
Q When you made that application did you include the name of your son? A Yes.
Q What name did you give for him in your application?
A Welling Sack. (Eastern Cherokee Roll #9673).
Q At the time that you made this application for your son Welling or Ammu-gar-woo-go Sack, in what name did you make application for yourself? A As Rachel Sack. (Eastern Cherokee Roll #9672)
Q By what name is your son Welling known by his father, Jack Sack? A Ammu-gar-woo-go.
Q Does your former husband talk English? A No, sir.
Q Then, your former husband, Jack Sack, not being able to speak the English name for your son Welling, called him Ammu-gar-woo-go? A Yes; they being full-blood Cherokees and not talking English they called him Ammu-gar-woo-go. (Eastern Cherokee Roll #23391)
Q Do you know whether or not the grand-father or grand-mother of Ammu-gar-woo-go Sack, and the father, Jack Sack, has ever made application for this child's enrollment? A I don't know; I don't think so, they are Nighthawks and are apposed to enrollment and allotment of lands.

Note: It appears, after examination of the above witness, the mother of the applicant, Welling Sack, that said Welling Sack was also known by the Cherokee name of Ammu-gar-woo-go, and upon their separation --from Jack Sack- the fath of said child, that said child was taken by its grand-parents, who still have the child in their possession, and that at the ti of making application for her share of the Eastern Cherokee Emi-grant Payment she included her son as Welling Sack, as shown by Eastern Cherokee Roll #9673; and it further appears that the sai same son was included in the application of its father, Jack Sac as shown by Eastern Cherokee Roll #23391, and is therefore a duplicate enrollment as shown by and upon the Eastern Cherokee Roll as reported by Guion Miller, Special Commissioner on May 28, 1909.

W. H. Byrd, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

W H Byrd

Subscribed and sworn to before me this 3 day of December, 1910.

R P HARRISON
Notary Public

90635

Cher. J. 133.

MEMORANDUM.

Welling Sack or Annum-gar-woo-go-back, born February 9, 1903, minor full blood, living with its grand parents, Dr. Sack, Roll No. 29670 and Galayah Sack, roll No. 29671, both full blood Cherokees. Parents of the child have separated, and the husband has remarried and placed the child with his parents.

Father - Jack Sack, Roll No. 18186, full-blood Cherokee.

Mother - Rachel Sack, Roll No. 18187, full-blood Cherokee.

No previous application, because the father and grand-parents are all nighthawks and opposed to enrollment.

Witness - mother Rachel Dick of Peggs, Okla.

The name of Welling Sack appears on Eastern Cherokee roll No. 9673 with its mother, Rachel Sack No. 9672 of Peggs, Okla., and also appears on Eastern Cherokee roll No. 23591 as Annum-gar-woo-go with his father Jack Sack, Cher. roll No. 18186 and its grand parents Old Sack, Cher. roll No. 29670, and Galayah Sack, Cher. roll No. 29671.

Recommended that Welling Sack be enrolled as a minor full-blood Cherokee.

Cherokee

To be filed in Case # 133

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

RECEIVED JUL 24 1913

90635 as a citizen of

..... Nation.

Approved..... 190...

.....

Commissioner.

BIRTH AFFIDAVIT.

199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Welling Sack, born on the 9th day of February 903.
[Here insert name of child]

Name of Father: Jack Sack a citizen of the Cherokee Nation No. 18186

Name of Mother: Rachel Sack Dick a citizen of the Cherokee Nation No. 18187

Tribal enrollment of father Cherokee by blood Tribal enrollment of mother Cherokee by blood.

Postoffice Peggs.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma
Cherokee County District. }

I, Rachel Sack Dick on oath state that I am 28 years of age and a citizen by blood, of the Cherokee Nation No. 18187

that I am the lawful wife of Andrew Dick, who is a citizen, by blood, of the Cherokee Nation No. 16445 that as the father of the child, not Sack is a "night hawk"

born to me on 9th day of February 1903, that said child has been named Welling Sack and was living March 4, 1906. and is still living

with its grandmother, Jatanah Sack No. 29671 near Locust Grove Okla.

Rachel Sack Dick

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this ..... day of ..... 1906.

.....
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I, ..., a ....., on oath state that I attended on ....., wife of ..... [Male or Female]

See page 7-4-18 E. Cherokee Roll - Mother is Jatanah Sack Jatanah Sack Grandmother of Welling Sack with whom the child is living P.O. Locust Grove Route 1 Box 14 Locust Grove Okla. Yet her affidavit is dated Peggs Okla. Interpreter [illegible]

Notary Public.

Cher 11099
Katie Sam

Cher 11099

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a Cherokee Citizen, of Katie Sam, who appears upon the Eastern Cherokee Roll opposite No.23420, and is shown to not appear upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had about three miles south of Braggs, Okla., December 28, 1910, by Mr. S. Mills, on behalf of the Commissioner.

Examination by Mr. Mills:

Watt Sam being first duly sworn testifies asfollows:

Q State your name, age and Post Office address? A Watt Sam; about 34 years old; Braggs, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#21162)
Q Have you a child called Katie Sam? A Yes; here she is--indicating the child.
Q Is she an enrolled Cherokee Citizen? A No; excepting on the Eastern Cherokee Roll (See E.C.R.#23420).
Q Has your daughter Katie been enrolled upon the Final Rolls of the Five Civilized Tribes? A No.
Q Did you ever make application to the Dawes Commission to have Katie enrolled? A No; she was not born when I was enrolled.
Q Did you at a later time, after you were enrolled, in the Spring of 1906, know that the Rolls were open for the enrollment of what was then known as New Borns, or did you ever hear of it at any time? A No.
Q When was your child Katie born? A Nov. 7, 1905.
Q Have you any record of that fact. A No; I just remember it.
Q Who was present when Katie was born? A Mrs. Fields; she waited onmy wife when Katie was born; she is dead now.
Q Then there was no one else present than yourself and Mrs. Fields, who you say is dead, at the birth of your daughter Katie? A No.

Mary Sam being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Mary Sam; age about 31; P.O., Braggs, Okla.
Q Are you the wife of Watt Sam, a Cherokee Citizen? A Yes.
Q Are you an enrolled Cherokee Citizen? A Yes. enrolled as Mary Proctor. (See F.C.R.#21102)
Q What children have you born to you and Watt Sam? A Two; Katie and John.
Q How old are they? A Katie is five years old; shewas born Nov. 7, 1905 and John was born in April 1909.
Q Do you know if your daughter Katie has heretofore been enrolled as Cherokee Citizen upon the Final Rolls of the Five Civilized Tribes? By the Dawes Commission? A No; she was too late.
Q Have you a record of thedate of the birth of your daughter Katie? A No sir.
Q How doyou fix the date so positively? A Just because I remember it.
Q Who was present at the birth of your daughter Katie? A Mrs. Fields, a colored woman, but she is dead now.
Q Is your daughter Katie now alive and living with you? A Yes; there she is--indicating the child.

The child is present and appears to be of the age and blood claimed.

W. E. Foltz, being first duly sworn, states thatthe above and foregoing is a true and correct transcript of his stenographic notes taken, in this case.

W E Foltz

Subscribed and sworn to before me on this 10th day of January, 1911.

R. P. Harrison, Clerk.

By Edward M Errick
Deputy.

Office of Indian Affairs
Received Jul 24 ,1913
L R [illegible] 90636

Cher. 1. 101.

ette Sam, 1. 0. Spears, Okla., on eastern Cherokee
roll, No. 2643, not on r. . roll, born Nov. 7,
1902, produced at the hearing and appeared to be
of the age and degree of blood claimed.

John Sam, born April, 1909, not on Eastern Cherokee roll,
brother to Ratie Sam, not entitled as not living
March 4, 1906.

Father -- Matt Sam, Cher. Full Blood, roll No. 2182.

Mother -- Long Sam, enrolled as Delaware, full blood
Cherokee, roll no. 2182.

Father testified that the child, Ette, was not born when
he was enrolled and he never knew that new born were
later to be enrolled; hence no treaty as in Lizzie.

Witnesses -- Father and mother.

Recommended that Ratie Sam be enrolled as a minor full
blood Cherokee and that John Sam be not enrolled as
not living March 4, 1906.

(COPY)

M E M O R A N D U M.

Cher. J. 101.

Katie Sam, P. O. Braggs, Okla., on Eastern Cherokee roll, No. 23420, not on F. C. T. rolls, born Nov. 7, 1905, produced at the hearing and appeared to be of the age and degree of blood claimed. Dec. 28, 1910

John Sam, born April, 1909, not on Eastern Cherokee roll, brother to Katie Sam, not entitled as not living March 4, 1906.

Father -- Watt Sam, Cher. full blood, roll No. 21162.

Mother -- Mary Sam, enrolled as Mary Proctor, full blood Cherokee, Roll No. 21102.

Father testified that the child, Katie, was not born when he was enrolled and he never knew that new borns were later to be enrolled; hence no previous application.

Witnesses -- father and mother.

Recommended that Katie Sam be enrolled as a minor full blood Cherokee and that John Sam be not enrolled as not living March 4, 1906.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Katie Sam (Here insert name of child) born on the 7th day of November, 1905

Name of Father: Watt Sam a citizen of the Cherokee Nation.

Name of Mother: Mary Sam a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll #2147 Tribal enrollment of mother Cherokee Roll #2102

Postoffice Bragga, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Muskogee County, District.

I, Mary Sam, on oath state that I am about 21 years of age and a citizen by blood of the Cherokee Nation; that I am the lawful wife of Watt Sam, who is a citizen, by Blood, of the Cherokee Nation; that a female child was born to me on 7th day of November 1905; that said child has been named Katie Sam and was living March 4, 1906, and is now alive and living with me.

her
Mary X Sam
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { W. E. Folty, Muskogee Okla.
S. A. Mills Muskogee Okla.

Subscribed and sworn to before me this 28th day of December 1910

Seal

R. P. Harrison - Clerk
By S. A. Mills - Deputy
~~Notary Public~~.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Muskogee County, District.

I, Watt Sam, a ..., on oath state that I attended on Mary Sam, ~~wife~~ of ... on the 7th day of November, 1905, that there was born to her on said date a Female child; that said child was living March 4, 1906, and is said to have been named Katie Sam, and is now alive and living with us.

his
Watt X Sam
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { W. E. Folty, Muskogee, Okla.
S. A. Mills, Muskogee, Okla.

Subscribed and sworn to before me this 28th day of December 1910

Seal

R. P. Harrison Clerk
~~Notary Public~~.

Cher 11100
Kenneth Sanders

Cher 11100

Cherokee M M 141

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER. JANUARY 2, 1907.

In the matter of the alleged application for the enrollment of Kenneth Sanders as a minor citizen by blood of the Cherokee Nation.

WILLIAM E. SAUNDERS being first duly sworn, testified as follows:

ON BEHALF OF COMMISSIONER:

Q What is your name? A. William E. Sanders.
Q. Your age? A. Forty-seven.
Q. What is your postoffice? A. Claremore, Indian Territory.
Q. Are you a Cherokee by blood? A. Yes sir.
Q. What is the name of yur wife? A. Etta J. Sanders
Q. Is she a Cherokee? A. Yes sir.
Q. Are you and she lawfully married? A. Yes sir.
Q. You appear here to-day in the interests of your minor child?
A. Yes sir.
Q. What is its name? A. Kenneth.
Q. Is it living? A. Yes sir.
Q. When was it born? A. October 2, 1902, I think.
Q. You desire it to be enrolled under the Act of April 26, 1906.
A. I do, sir.
Q. Is this child living now? A. Yes sir.
Q. Has any application been made prior to this time, for its enrollment as a citizen of the Cherokee Nation?
A. Yes sir.
Q. When was that application made? A. The first one was made, I think, on the ninth day of May, 1906, the second one was made some time in December of the same year.
Q. Do you know what became of the first application that you made? A. I do not.

Q. A careful examination of the records of this office fails to show that an application was ever received, prior to July 25, 1906 for the enrollment of your child, Do you know how to account for that fact? A. I do not, sir.
Q. That application was made in affidavit form, was it?
A. Yes sir.
Q. Did your wife execute an affidavit as to your child's birth?
A. Yes sir, she did.
Q. What was done with the affidavit? A. It was mailed to the Commissioner at Muskogee.
Q. Do you know the date on which it was mailed?
A. I think it was mailed the same day we made the affidavits.
Q. Who mailed it? A. The Notary, Mr. W. J. Dodsen here.
Q. He is present? A. Yes sir.
Q. Did you see him mail it? A. No sir, I was not at his office when he mailed it.
Q. Did the midwife or physician also execute affidavits as to the birth of your child? A. Yes sir.

Q. Who was it? A. Mr. Bushyhead.
Q. Is he present? A. Yes sir, he is present.
Q. You have been informed by this office that no record can be found of this application having been received? A. I have, sir.
Q. You were also notified that if you so desired you might appear with witnesses to show whether or not application was made? A. Yes sir.

W. J. DORSON being first duly sworn by B.P. Ramsey, a Notary Public, testified as follows:

Q. What is your name? A. William J. Dorson.
Q. What is your age? A. I am fifty-six.
Q. What is your postoffice address? A. Clarmore, Indian Territory.
Q. Do you know Mr. Sanders who has just left the stand?
A. Yes sir.
Q. Did you execute an affidavit as to the birth of his child?
A. I did.
Q. When did you execute that affidavit? A. The first one, my recollection is, was about May 9, 1906.
Q. Have you your Notarial record with you?
A. Yes sir, I have. I can tell the exact date by referring to it.
Q. Does your record show that it was May 9, 1906? A. Yessir. it does.
Q. Of this present year? A. Yes sir.
Q. Do you know what was done with that affidavit? A. Yes sir, I mailed it to the Commissioner at Muskogee, at least, that is, I put it in the Postoffice addressed to the Commissioner.
Q. In the U. S. mail? A. Yes sir.
Q. When was it mailed? A. That same evening that it was executed.
Q. If it was never received at this office have you any idea what became of it? A A I have not.
Q. Do you know the child? A. Yes sir, that is I have seen it frequently.
Q. Do you know of your own personal knowledge whether the child was born prior to March 4, 1906, and was living on that date? A. Yes—only from the appearance of the child.

J. C. Bushyhead, being first duly sworn by B. P. Ramsey a Notary Public, testified as follows:

Q. What is your name? A. J. C. Bushyhead
Q. Your age and postoffice address? Clarmore, age thirty-six.
Q. You are a practicing physician? A. Yes sir.
Q. Do you know Mr. Sanders who preceded you on the stand?

A. Yes sir.
Q. Do you know his wife? A. Yes sir.
Q. Did you attend on her at the birth of a child? A. Yes sir.
Q. When was that child born? A. It was born on October 1, or 2, 1902; I rather thought it was the first.

Q. Do you know whether that child is living? A. Yes sir
Q. Is it living? A. Yes sir.
Q. Did you execute an affidavit at any time as to the birth of that child? A. I did, sir.
Q. Before whom did you execute that affidavit? A. Before Mr. Dodson, here.
Q. The Notary Public who has just left the stand? A. Yes sir.
Q. When was it? A. I really do not remember the exact day I think it was in May.
Q. Of this present year? A. Yes sir--that is of 1906, it is 1907, now.
Q. Do you know what was done with that affidavit? A. No sir.
Q. When the year was mentioned just now you understood it to mean 1906? A. Oh, yes sir, I understood you that way.

The undersigned being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly recorded the testimony taken in this case, and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

Lucy M Bowman

Subscribed and sworn to before me this 8th day of January, 1907

Notary Public

G.H.L. Cherokee M.M. 141.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Kenneth Sanders as a citizen by blood of the Cherokee Nation.

D E C I S I O N

A careful examination of the records of this office fail to show, that any application of any character, was received at this office, prior to July 26, 1906, for the enrollment of Kenneth Sanders, as a citizen by blood of the Cherokee Nation, under the provisions of Section two of the Act of Congress approved April 26, 1906, (34 Stat. 137). Further proceedings in the matter of said application were had at Muskogee, Indian Territory, January 2, 1907.

Section two of the Act of Congress approved April 26, 1906, (34 Stat. 137), in part provides:

> "That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled."

I am, therefore, of the opinion, that under the provisions of Section two of the Act of Congress above noted, I am without authority to receive or consider the application for the enrollment of said Kenneth Sanders as a citizen by blood of the Cherokee Nation, and I hereby decline to receive said application.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB [illegible] 1907.

Cherokee
M M

Muskogee, Indian Territory, December 15, 1906

Etta J. Sanders,

Claremore, Indian Territory.

Dear Madam:

This office is in receipt , on December 6, 1906, of an affidavit executed by you on December 5, 1906, as to the birth, on October 1, 1902, of Kenneth Sanders, child of yourself andWilliam E. Sanders, Cherokees by blood.

The records of this office fail to show that application has, prior to December 6, 1906, been received for the enrollment of this child as a citizen of the Cherokee Nation.

The Act of Congress approved April 26, 1906 (34 Stat., 137), in part provides:

> "That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled."

Etta J. Sanders-2

If you claim that application was made for the enrollment of your child within the time provided by law, you will be permitted to appear before the Commissioner at any time within the near future, and submit such evidence as you desire, tending to show whether or not an application was made for the enrollment of said child, within the time limited by law.

Respectfully,

L M B

Commissioner

Cherokee
M M 141

Muskogee, Indian Territory, December 27,1906

W. E. Sanders,

Claremore, Indian Territory.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of December 8, in further reference to the enrollment of your minor child, Kenneth Sanders, as a citizen by blood of the Cherokee Nation.

In reply you are again advised that affidavits as to the birth of said child, executed on December 5, 1906, by your wife and family physician, and also the affidavit of the Notary Public as to former affidavits executed by them, have been duly received by this office, and that, if you so desire, you may appear before the Commissioner at his office in Muskogee, Indian Territory, and submit such evidence as you desire, tending to show that an application for the enrollment of said child was made to the Commissioner within the time limited by law.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Kenneth Sanders as a citizen by blood of the Cherokee Nation, together with the decision of the Commissioner dated February 27, 1907, declining to receive said application.

Respectfully,

Encl.HJ-181.
HJC.

Commissioner.

Through the Commissioner of
Indian Affairs.

Cherokee
M M 141

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, declining to receive the application for the enrollment of Kenneth Sanders, as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. HJ-179.
HJC

Commissioner.

Cherokee
M M 141

Muskogee, Indian Territory, February 28, 1907.

William R. Sanders,
Claremore, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, declining to receive or consider the application for the enrollment of your child, Kenneth Sanders as a citizen by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.HJ-177.
HJC

Commissioner.

Register.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND.
References in
body of letter.

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There are transmitted herewith several reports of Commissioner Bixby forwarding the records of proceedings in the matter of applications for the enrollment of the following persons:

21710-1907, Robert Brown, Esther Brown, Ellen Brown, Emma Brown, Sallie L. Brown, Lillie Brown, John R. Brown, Bessie Brown, and Eliza Brown as citizens by blood of the Cherokee Nation.

21714-1907, Lillie Bell Swadley, as a minor citizen of the Choctaw Nation.

21712-1907, Martha A. Sanders, as a citizen by blood of the Cherokee Nation.

21711-1907, David Meredith, Mary E. Haynes, Eliza Starbuck, Cyrena Randolph, and John C. Randolph, as citizens by blood of the Cherokee Nation.

21707-1907, John W. Vaughn, as a citizen by blood of the Cherokee Nation.

21705-1907, Leland Yeates, Sarah F., Gracia A., Roy S., and Gertrude E. Osborn, as citizens of the Cherokee Nation.

21704-1907, Mary J., Grace, Isaac T. Herod, Elizabeth B., Alford M., Arthur H., Jessie E., and Lola G. Kirkham, Ellen F., Thomas F., Ernest D., Eula L., Isaac F., Mattie G., and Trey A. Carter, as citizens by blood of the Cherokee Nation.

21703-1907, Kenneth Sanders, as a citizen by blood of the Cherokee Nation.

21701-1907, Leta M. Love, as a citizen by blood of the Cherokee Nation.

21700-1907, John Henry Crosslin, as a citizen by blood of the Cherokee Nation.

21699-1907, Jonathen C. Parker, as a citizen by blood of the Cherokee Nation.

21709-1907, Sirena Williams, as a Cherokee freedman.

21708-1907, Paul Whitmire, as a Cherokee freedman.

21706-1907, Nora Williams and James Williams as Cherokee freedmen.

21702-1907, Ollie Robinson, Freddy Shafer, Joe, Emma, and Polly Shafer, as Cherokee freedman.

21698-1907, Clark Smith, as a Cherokee freedman.

In each of the above cases the decision of Commissioner Bixby was adverse to the applicant.

The Office has examined the decisions of Commissioner Bixby, they are found to be correct, and their approval is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KSM-D

CRW
RJH.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

D.C.13275-1907.
I.T.D. 7910-1907.
LRS.

March 4, 1907.

DIRECT

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following citizenship cases, adverse to the applicants, are hereby approved. A copy of Indian Office letter of March 2, 1907 (Lands 21714, etc.), transmitting your reports of February 28, 1907, and recommending that your decisions be affirmed, is inclosed.

Title of case:

Lillie Bell Swadley, et al., Choctaw,
Clark Smith, Cherokee freedman,
Ollie Robinson, et al., Cherokee freedmen,
Nora and James Williams, Cherokee freedmen,
Paul Whitmire, Cherokee freedman,
Sirena Williams, Cherokee freedman,
Jonathan C. Parker, Cherokee by blood,
John Henry Cresslin, Cherokee,
Leta M. Love, Cherokee,
Kenneth Sanders, Cherokee by blood,
Elizabeth B. Kirkham, et al., Cherokee by blood,
Leland Yeates, et al., Cherokee,
John W. Vaughn, Cherokee by blood,
David Meredith, et al., Cherokee by blood,
Martha A. Sanders, Cherokee by blood,
Robert Brown, et al., Cherokee by blood.

In transmitting the record in the matter of the application for the enrollment of Lillie Bell Swadley, you recommend that the name of William T. Swadley opposite No. 1634 upon the

approved roll of citizens by intermarriage of the Choctaw Nation be cancelled, and that the enrollment of Minerva F. Swadley, opposite No. 16113 upon the schedule of citizens by blood of the Choctaw Nation, transmitted with your office letter of January 19, 1907, be not approved by the Department.

The names of William T. Swadley and Minerva F. Swadley are hereby cancelled from said rolls, if they have not already been cancelled.

A carbon copy hereof, and all the papers in the above mentioned cases, have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 ins. and 32 incs.
for Ind. Off.

Cherokee
M M 147.

Muskogee, Indian Territory, March 29, 1907.

William E. Sanders,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of your child, Kenneth Sanders as a citizen by blood of the Cherokee Nation, was affirmed by the Department March 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.HJ-72.
HJC

Geo. D. Rodgers.
Acting Commissioner.

Cherokee P
N B 336 et al.

Muskogee, Indian Territory, March 29, 1907.

W. M. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decisions of the Commissioner to the Five Civilized Tribes, rejecting the applications for the enrollment of Clark Smith, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

Encl. 23-79.
KM

Cherokee MM-141
7784-1908.

Muskogee, Oklahoma, March 16, 1908.

Mr. John M. Taylor, Jr.,

Claremore, Oklahoma.

Sir:

This office is in receipt, by reference of the Commissioner of Indian Affairs, of your letter of February 24, 1908, addressed to the Secretary of the Interior, relative to the enrollment of Kenneth Sanders as a citizen of the Cherokee Nation.

In reply you are advised the records of this office fail to show that any application was made for the enrollment of Kenneth Sanders under the provisions of the Act of April 26, 1906, as a citizen of the Cherokee Nation within the time provided by law.

January 2, 1907, the testimony of William E. Sanders, W. J. Dodson and Dr. J. C. Bushyhead was taken as to the alleged application for the enrollment of Kenneth Sanders and on February 28, 1907, the Commissioner to the Five Civilized Tribes rendered a decision holding that he was without authority to receive or consider the application for the enrollment of said

child. The Commissioner's decision was affirmed by the Department March 4, 1907.

Respectfully,

JOR(LS)

Acting Commissioner.

RETURN IN FIVE DAYS TO
W. J. DODSON,
NOTARY PUBLIC & REAL ESTATE,
CLAREMORE, IND. TER.



DEC 6 1906

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE INDIAN TERRITORY

Cher 11101

Narcy Scraper

Cher 11101

90635

Department of the Interior.
Commissioner to the Five Civilized Tribes.

Bunch Oklahoma, December 16, 1910.

In Re Application for enrollment as Cherokee Citizen of Narcy Scraper, who appears upon the Eastern Cherokee Roll opposite Roll No. 23998, and is shown to be not upon the Final Rolls of the Five Civilized Tribes.

R. L. Taylor, U. S. Indian Policeman, of Westville, Oklahoma, acting as Interpreter.

Examination by Mr. S. A. Mills on behalf of the Commissioner:

Ned Scraper being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Ned Scraper, about 32 years old, P.O. Lyons, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R. No. 29088).
Q Are you married and have you a family? Yes.
Q What is your wife's name? A Susie Scraper.
Q Is she an enrolled Cherokee Citizen? Yes. (See F.C.R. No.29089)
Q Have you any children who have been enrolled Cherokee Citizens? A Yes Sir.
Q What are their names? A Nellie, (See F.C.R.#29883) and Ben, (See F.C.R.#29091)

Q Have you any children who are not enrolled upon the Final Rolls of the Five Civilized Tribes? A Yes, one daughter.
Q What is her name? A Narcy.
Q. How old is your daughter Narcy? A Seven years old.
Q Have you a record of the date of the birth of your daughter Narcy? A Yes.
Q Please let me see that record? A Here witness introduces a sheet of note paper upon which is written in Cherokee "Narcy, Sept. 23, 1903", as interpreted by the interpreter.
Q When did you write this record? A I coppied it this morning from thefamily record at home in which I made the entry the day after Narcy was born.
Q Why did you not bring the original record that you say you coppied this from, with you at this time? A It was a good size book and was not handy to bring and I thought a copy would do just as well.
Q. Who was present at the time of the birth of your daughter narcy? A Liza Wann, who acted as midwife, she came right after the child was born
Q Have you ever heratofore made application for the enrollment of your daughter Narcy? A I think so; the Dawes Commission, at Tahlequah, gave me a paper to fill out, I gave it to a Notary Public at Stilwell for him to fix up, but I never heard anything more about it.
Q When was this? A About five years ago, I don't remember the year or month.
Q Did you make application for the enrollment of this child Narcy upon the Eastern Cherokee Roll for the purpose of drawing a portion of the Eastern Cherokee Payment? A Yes Sir.

Q Did you draw the payment for the child? A Yes Sir.
Q Where is this, your daughter, Narcy now? A Here she is--indicating the child

Susie Scraper being first duly sworn testifies as follows:
Q State your name, age and Post Office address? A Susie Scraper, age 38 years old, P. O. Lyons, Okla.
Q Are you an enrolled Cherokee Indian? A Yes Sir. (See F.C.R. # 29089)
Q Are you the wife of Ned Scraper? A Yes.
Q Have you children named Nellie, Ben and Narcy? A Yes Sir.
Q Have Nellie and Ben been enrolled as Cherokee Citizens? A YesSir. (See F.C.R. # 29883 and 29091)
Q Has Narcy been enrolled as Cherokee Citizen? A No Sir.
Q How old is Narcy? A Seven Years old.
Q Have you a record of the date of the birth of Narcy? A Yes, at home; my husband here has a copy of that record which he has shown you.
Q Who was present when Narcy was born? A Liza Vann, she came right after Narcy was born.
Q Is Narcy now living? A There she is--indicating the child. She is living with us.

Liza Vann being ~~first~~ first duly sworn testifies as follows:
Q State your name, age and Post Office address? A Liza Vann, age about 59, P. O. Bunch, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes Sir. (See F.C.R. #19591)
Q Are you well acquainted with Ned Scraper and Susie Scraper, Cherokee Citizens? A Yes Sir.
Q Do you know their child Narcy Scraper? A Yes, I was present when the child was born; I waited on the mother at that time.
Q Is Narcy still living? A Yes, there she is--indicating the child.
Q How old is Narcy? A Seven years old.
Q What year, month and day was Narcy born? A On Sept. 23, 1903.
Q Have you a record of that birth? A No Sir.
Q How do you fix the date to be Sept. 23, 1903? Ned Scraper, the father of the child has the record.
Q Then you are depending upon the record kept by Ned Scraper for the date of the birth of the child to be Sept. 23, 1903? A Yes Sir.

The child was present and appeared to be of the age and blood claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in said case.

W. E. Foltz

Subscribed and sworn to before me on this 3rd day of January, 1911.

R. P. Harrigon, Clerk,
By Edward McKnick
Deputy.

68.

INDIAN AFFAIRS
RECEIVED
JUL 24 1913

MEMORANDUM.

90635

Marcy Scraper, Eastern Cherokee, roll No. 23998, not enrolled on F. C. T. roll, born Sept.25, 1903, still living, produced at the hearing and appears to be of the age and quantum of blood claimed.

Father, Ned Scraper, P. O. Lyons, Okla., full blood, Cherokee roll No. 29088.

Mother, Susie Scraper, full blood Cherokee, roll No. 29089.

Witnesses, Dec. 16, 1910, father, mother and Liza Vann, of Bunch, Okla. who acted as midwife, Nellie Scraper, roll No. 29083 and Ben Scraper, roll No. 29091 are sister and brother to Marcy Scraper.

Being the child of enrolled parents and having been born prior to March 4, 1906 and living on that date, it is recommended that Marcy Scraper be enrolled as a minor full blood Cherokee.

100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Harvey Seraphin

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

BIRTH AFFIDAVIT. 199

90635 JUL 1913

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Nancy Scraper [Here insert name of child] born on the 23d day of September 1903.

Name of Father: Ned Scraper a citizen of the Cherokee Nation.

Name of Mother Susie Scraper a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee, Roll # 29088 Tribal enrollment of mother Cherokee Roll # 29089.

Postoffice Lyon Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Adair County, ~~District~~.

I, Susie Scraper on oath state that I am 38 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of Ned Scraper, who is a citizen, by Blood of the Cherokee Nation; that a Female [Male or Female] child was born to me on 23d day of September 1903.; that said child has been named Nancy Scraper and was living March 4, 1906. & is now alive and living with me

Susie X Scraper
mark

WITNESSES TO MARK:

[Must be Two Witnesses] W E Foltz Muskogee Okla
Thomas P. Roach Muskogee Okla

Subscribed and sworn to before me this 16th day of December 1910

R. P. Harrison - Clerk
By A Miller - Deputy ~~Notary Public~~.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Adair County ~~District~~.

I, Liza Vann (Cherokee Roll # 19591) a Midwife, on oath state that I attended on Susie Scraper, wife of Ned Scraper on the 23d day of September 1903. that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Nancy Scraper & she is now alive & living with her Parents

Liza X Vann
mark

P.O. Bunch Okla

WITNESSES TO MARK:

[Must be Two Witnesses] W E Foltz Muskogee Okla
Thomas P. Roach Muskogee Okla

Subscribed and sworn to before me this 16th day of December 1910

R. P. Harrison — Clerk
By A Miller - Deputy ~~Notary Public~~.

Cher 11102

Striker Shade

Cher 11102

90635

Department of the Interior.
Commission to the Five Civilized Tribes.
January 7, 1911.

In Re application for enrollment as x citizen of the Cherokee Nation of Striker and Aggie Shade, who appear upon the Eastern Cherokee roll opposite #24223 and #24224, but are not shown to be upon the Final Roll of the Five Civilized Tribes.

- - - - - - - - - - -

Bushyhead Shade, being first duly sworn, testified through R. Glory, Interpreter, as follows:

EXAMINATION BY S. A MILLS ON BEHALF OF THE COMMISSION:

Q State your name, age and post-office address? A Bushyhead Shade, about thirty-three years old, post-office, Mazie, Okla.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #20731)
Q What is your wife's name? A Ollie Shade.
Q Is she an enrolled Cherokee citizen? A Yes. (Cherokee Roll #20732)
Q Have you any children who are not enrolled upon the Final Roll of the Five Civilized Tribes? A Yes, two, Striker and Aggie.
Q Were these children, Striker and Aggie, enrolled upon the Eastern Cherokee Roll? A Yes, sir. (Eastern Cherokee Roll numbers 24223 and 24224)
Q How old is your child Striker? A Eight years old.
Q Have you a written record of the date of the birth of your child Striker Shade? A Yes. (Here witness submits a paper written in Cherokee, which interpreted by the Interpreter, reads as follows: "Striker Shade, born February 20, 1903.)
Q Who made that record? A Myself.
Q Is Striker Shade now alive? A Yes, sir.
Q You stated that you have another child named Aggie,- when was Aggie born? A April 20, 1906.
Q Have you a written record of that date? A Yes. (Here witness submits the same record as shown previously as to the age of Striker, and which is in Cherokee, and which reads as follows, as interpreted by interpreter: "Aggie Shade, born April 20, 1906.")
Q Did you write this record yourself? A Yes, sir.
Q Then this is a true record of the date of the birth of your children, Striker and Aggie? A Yes, sir.
Q Both of these children are now alive are they? A Yes, sir, here they are, (indicating children)
Q Have you ever made application for the enrollment of these children to be enrolled upon the Final Rolls of the Five Civilized Tribes, through the Dawes Commission, or to any other person?
A I went to the Commission in Muskogee sometime ago last year, and made application,,inquiry about it
Q What was told you by the Commission? A The Commissioner told me that they would be placed on the rolls, but it would

have to be taken up with the Secretary.
Q Who was present at the birth of Striker and Aggie Shade?
A Frances Sanders was present at the birth of both of them.

- - - - - - - - - -

Ollie Shade being first duly sworn, testified through R. Glory, Interpreter, as follows:

Q State your name, age and post-office address? A Ollie Shade, about thirty-three years old, Mazie, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #20732)
Q Are you the wife of Bushyhead Shade? A Yes.
Q Are you the mother of Striker and Aggie Shade? A Yes.
Q Where are these children? A They are living with me,-here they are (indicating the children)
Q When was your child, Striker, born? A My husband has a written record of the date of the birth of both of our children.
Q Is the record you refer to the one your husband submitted awhile ago? A Yes.
Q This record as written by your husband shows the trut and correct ages of both of your children, Striker and Aggie? A Yes.

- - - - - - - - - - - - -

Note: Children were present and seemed to be of the ages and blooded claimed.

- - - - - - - -

W. H. Byrd, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case by him.

W. H. Byrd

Subscribed and sworn to before me on this the 21st day of January, 1911.

W. P. Matteson
by Clerk
Deputy

90635

Cher. J 163

MEMORANDUM.

#2.

Striker Shade, Eastern Cherokee, Roll No. 24223 as Stricker Shade born Feby 20, 1905, as shown by record written in Cherokee.

Aggie Shade, Eastern Cherokee, Roll No. 24224, born April 20, 1906 as shown by record written in Cherokee, neither enrolled on F. C. T. roll.

Children produced at the hearing and appeared to be of the age and blood claimed.

Father- Bushyhead Shade, P. O. Mazie, Okla., Cherokee full blood No. 20731.

Mother, Ollie Shade, Cherokee full blood, No. 20732.

Josie Shade No. 20733 and Betsy Shade No. 20734 are enrolled children of above parents.

Previous application made "in Muskogee sometime ago last year".

Witnesses- January 7, 1911, father and mother.

Birth affidavit also filed.

Recommended that Striker Shade be enrolled as a full blood Cherokee minor and that Aggie Shade be denied enrollment by reason of not living on March 4, 1906.

Case # 163

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

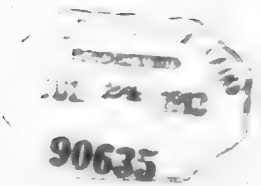
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as a citizen of

..... Nation.

Approved..... 190...

.....
Commissioner.



BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Striker Shade [Here insert name of child] born on the 20th day of February 1903.

Name of Father: Buckyhead Shade a citizen of the Cherokee Nation.

Name of Mother: Ollie Shade a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee, Roll #20731. Tribal enrollment of mother Cherokee, Roll #20732

Postoffice Maige Okla

AFFIDAVIT OF MOTHER.

State of Oklahoma
UNITED STATES OF AMERICA, ~~Indian Territory.~~
Mayes County, ~~District.~~

I, Ollie Shade, on oath state that I am 33 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful wife of Buckyhead Shade, who is a citizen, by Blood, of the Cherokee Nation; that a Male [Male or Female] child was born to me on 20th day of February 1903.; that said child has been named Striker Shade and was living March 4, 1906. and is now alive and living with me,

Ollie X Shade
mark

WITNESSES TO MARK:

[Must be Two Witnesses] Rich and Ed Eng Montgomery, Okla
Walt Buford Tahlequah, Okla

Subscribed and sworn to before me this 7th day of January 1906.

By R. P. Harrison - Clerk
Ellis - Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

State of Oklahoma
UNITED STATES OF AMERICA, ~~Indian Territory.~~
Mayes County ~~District.~~

I, Buckyhead Shade, a ..., on oath state that I attended on Ollie Shade my wife of ... on the 20th day of February 1903.; that there was born to her on said date a Male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Striker Shade, who is now alive and living with us,

Buckyhead Shade

WITNESSES TO MARK:

[Must be Two Witnesses] ...

Subscribed and sworn to before me this 7th day of January 1906.

R. P. Harrison - Clerk
By Ellis - Deputy Notary Public.

Cher 11103

Harvey Sixkiller

No Dpt. Jacket

Cher 11103

90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a Cherokee Citizen, of Harvey Tah-noo-wee, as shown upon the Eastern Cherokee Roll opposite No. 26232, and shown not to be upon the Final Rolls of the Five Civilized Tribes.

Proceedings had at Sallisaw, Oklahoma, December 19, 1910, by Mr. S. A. Mills, on behalf of the Commissioner:

Examination by Mr. Mills:

Gafford Tah-noo-wee being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Gafford Tah-noo-wee, age 38, P.O. Marble City, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes sir. (See E.C.R.#19245)
Q Have you a son who is not enrolled upon the Final Rolls of the Five Civilized Tribes? A Yes sir.
Q What is his name? A Harvey.
Q Was he enrolled upon the Eastern Cherokee Roll and received a portion of the Eastern Cherokee fund? A Yes sir. (See E.C.R.#26232)
Q Who is the mother of your son Harvey? A His mother's name is Susie.
Q Is she an enrolled Cherokee Citizen? A Yes sir. (See #19246)
Q Have you other children who are enrolled upon the Final Rolls of the Five Civilized Tribes? A Yes sir; Pearl, Nellie and Laura. (See E.C.R.#19247,19248 and 19249)
Q When was this, your son Harvey, Born? A Born Apr. 25, 1903.
Q Have you a record of the date of the birth of your son Harvey? A Yes sir. (Here witness introduces family record of marriages, births and deaths, upon which appears the entry "Harvey Tah-noo-wee born April 25, 1903")
Q Is this your son Harvey Tah-noo-wee now alive? A Yes sir; living with me--indicating the child.
Q Have you ever heretofore made application for the enrollment of this, your son, Harvey? A No sir.
Q Why not? A I just neglected it; I don't know why I didn't.
Q Who made the record that you presented here of the date of the birth of your son Harvey? A I made it myself.
Q Is it a true record? A Yes sir.
Q Who was present when your son Harvey was born? A Her name was Gusta Cochran, of Marble City, a white woman midwife. She had a sick child and could not come to be a witness before you.

Susie Tah-noo-wee being first duly sworn testifies as follows:

Q State your name, age and Post office address? A Susie Tah-noo-wee, age 35, P.O. Marble City.
Q Are you an enrolled Cherokee Citizen? A Yes sir. (See E.C.R.#19240)
Q What is your husband's name? A Gafford Tah-noo-wee.
Q Have you a child by Gafford Tah-noo-wee named Harvey? A Yes sir.
Q Is he now living? A Yes sir; living with me--indicating the child.

Q Do you know whether he has been enrolled as Cherokee Citizen? A He is not enrolled upon the Final Rolls of the Cherokee Nation, but he is enrolled upon the Eastern Cherokee Roll. (See E.C.R.#26232)
Q How old is Harvey? A He is seven years old, going on eight.
Q Have you a record of the date of his birth? A Yes. (Here witness submits same record submitted by her husband, Harvey Tah-noo-wee)
Q Was any application ever made heretofore for the enrollment of your son Harvey? A No sir.

The child is present and appears of theage and blood claimes.

Gafford Tah-noo-wee recalled at Vian Oklahoma, December 22n 1910 and estifies as follows:

Q When giving your testimony In Re enrollment of your son Harven Tah-noo-wee it was found that you appeared upon the Final Cherokee Rolls opposite Roll No.19245 as Gafford Sixkiller, whereas you state that your name is Gafford Tah-noo-wee. Please explain to me how this occurs; that upon the Final Rolls of the Cherokee Nation opposite Roll No.19245 your name appears as Gafford Sixkiller and you claim that your name is Gafford Tah-noo-wee? A My fathers name was Sulteskee Tah-noo-wee; before I was born he died and my mother then married Sam Sixkiller, and when I was born I carried the name of my step-father Sixkiller and was known as Sixkiller up to the time I made application for enrollment upon the Eastern Cherokee Rolls, at which time when I made the application for enrollment upon the Eastern Cherokee Roll for the purpose of participating in a portion of the Eastern Cherokee Fund I told the man who took my application about it, that my father's name was Tah-noo-wee but that I went by the name of SixKiller on account of having been raised by my step-father whose name was Sam Sam Sixkiller. But I wanted to take my own name and the man said that would be all right, there would not be any harm in that, so I and my family were enrolled on the Eastern Cherokee roll as Tah-noo-wee.
Q Then as a matter of fact you was raised and known under the name of Sixkiller up to the time you made application for enrollment on the Eastern Cherokee Roll? A Yes sir.
Q When was it that you made the application for the Emigrant Roll. A Between three and four years ago.
Q Then it is also a fact that you appeared before the Dawes Commission and made application for the enrollment of yourself, your wife and your children under the name of Sixkiller? A Yes sir.
Q Can you tell me when you made that application before the Dawes Commission under the name of Sixkiller? when you made the application for yourself and your family? A In 1902.
Q What was the name of your wife and the children you made application for? A My wife's name is Susie; my oldest girl Pearl Bigfeather, then Nellie, then Laura. (See F.C.R.#19246, 19247, 19248 and 19249)
Q You say you made this application for yourself and family under the Sir name of Sixkiller in 1902: did you then have a son living named Harvey? A No, not at that time. Our son Harvey was born in 1903.
Q Do you recall being before the Dawes Commission on September 13, 1910 and making application for the enrollment of your son Harvey? A Yes sir.

Q Do you recall stating at that time that you had a son Harwen who was born in April 1902? A Yes sir.
Q Was that a mistake? A Yes sir, it was, I found that out after I got home. That is the same son Harvey in which you examined me at Sallisaw about last Saturday.
Q Then it is a fact that the son Harvey you mentioned when you appeared in person before the Dawes Commission on Sept. 13, 1910 as having been born in April 1902 as Harvey Sixkiller and the Harvey Tah-noo-wee for whom you made application for enrollment upon the Final Rolls of the Cherokee Nation before me Monday, December 19, at Sallisaw Oklahoma, and which you stated before the Dawes Commission on Sept. 13, 1910 as having been born in April 1902 and which you say you subsequently discovered was born in April 1903, is one and the same person? A Yes sir.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 6th day of January, 1911.

R. P. Harrison, Clerk.

By Edward Merrick
Deputy.

74.

MEMORANDUM.

90635

Harvey Tah-noo-wee, Eastern Cherokee Roll, No. 26232, not enrolled on F. C. T. roll, born April 25, 1903, produced at the hearing and appears to be of the age and quantum of blood claimed.

Father- Gafford Tah-noo-wee, enrolled as Gafford Sixkiller, P. O. Marble City, Okla., Cherokee by blood, Roll No. 19245.

Mother, Susie Tah-noo-wee, enrolled as Susie Sixkiller-Roll No. 19246.

Witnesses- Dec. 19, 1910, father and mother, the white midwife named Gusta Cochran having a sick child, could not attend as a witness. Just neglected to have Harvey enrolled. The father testified that his true name was Tahnoowee, the name of his father who died before he was born and after birth applicant took the name of his stepfather, Sam Sixkiller under whose name the family was enrolled,all but Harvey.

Inasmuch as the rest of the family are enrolled,though erroneously, under the name of Sixkiller, it is recommended that Harvey Tah-noo-wee be enrolled as Harvey Sixkiller, to conform to the family enrollment.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

Harvey Moore

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

INDIAN AFFAIRS
JUL 22 1913
90635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Harvey Tah-nos-wee [Here insert name of child], born on the 15th day of April 1903.

Name of Father: Gafford Tah-nos-wee a citizen of the Cherokee Nation.

Name of Mother Susie Tah-nos-wee a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll 19245 Tribal enrollment of mother Cherokee Roll 19246

Postoffice Marble City, Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Sequoyah County ~~District.~~

I, Susie Tah-nos-wee, on oath state that I am 35 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of Gafford Tah-nos-wee, who is a citizen, by Blood of the Cherokee Nation; that a male [Male or Female] child was born to me on 15th day of April 1903.; that said child has been named Harvey Tah-nos-wee and was living March 4, 1906. as is now living with me.

her
Susie X Tah-nos-wee
mark

WITNESSES TO MARK:

[Must be Two Witnesses] W. Foltz Muskogee Okla
Thomas P. Beach Muskogee Okla

Subscribed and sworn to before me this 19th day of December 1913

R. P. Harrison - Clerk
By Willis - Deputy - ~~Notary Public.~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Sequoyah County ~~District.~~

I, Gafford Tah-nos-wee, a ....., on oath state that I attended on Susie Tah-nos-wee my wife of ..... on the 15th day of April 1903. that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Harvey Tah-nos-wee. My said Child is now alive living with my wife & I.

Gafford Tah-nos-wee

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 19th day of December 1913

R. P. Harrison - Clerk
By Willis - Deputy - ~~Notary Public.~~

See overall list, page 21, same folder. Visual explains that
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[illegible] and Vital Oil Corp. -Wee. [illegible]
[illegible] and Safeway's ep-fatbo and was sed instead
[illegible].

Cher 11104

Emma Snell

Cher 11104

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

90635

IN RE APPLICATION FOR ENROLLMENT, AS Cherokee Citizens, of Emma and Ida Snell, who appear upon the Eastern Cherokee Roll opposite No. 25087-8, and are shown not to be upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had at Kansas, Oklahoma, January 19, 1911, before Mr. S. A. Mills, on behalf of the Commissioner.

Interpreted by James R. Gourd, of Pryor, Okla. who was first sworn.

Examination by Mr. Mills:

Joshua Snell being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Joshua Snell; about 40 years old; P.O. Kansas, Okla
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#19756)
Q I note upon the Final Rolls opposite No.19756 that you are enrolle as Joe Snail wheras you are enrolled upon the Eastern Cherokee Roll as Snell: which is your correct name? A Joe Snell; I do not know how them made that mistake.
Q What is the purpose of your appearance here at this time? A For the purpose of making application for the enrollment of my children Emma and Ida Snell.
Q Who is the mother of these, your children Emma and Ida Snell? A Lydia Snell.
Q Is she an enrolled Cherokee Citizen? A Yes. (F.C.R.#19757)
Q Were you and your wife and these children upon the Eastern Cherokee Roll for the purpose of participating in the Eastern Cherokee Payment? A Yes; excepting my wife. (See R.C.R.#25086-7-8)
Q Where are your children Emma and Ida now? A They are at home.
Q Why didn't you bring them with you? A My wife is sick and she could not bring them.
Q When was Emma born? A She will be 8 years old next May, on May 9.
Q When was Ida born? A She was born in May; she will be four years old 14th day of next May.
Q Then your daughter Ida was not born and living on the 4th day of March 1906? A No; born after that.
Q Have you a written record of the date of the birth of Emma and Ida? A Yes; I have it in a book at home.
Q Who was present when these children were born? A No one was present by myself; I waited upon my wife when both the children were born. Nellie Snell came in right after they were born.
Q Have you ever made application heretofore to the Dawes Commission for the enrollment of your children Emma and Ida? A I wrote a letter to the Dawes Commission about a year ago but never got an answer.
Q What was your father's name? A Name William Snell.
Q Is he an enrolled Cherokee Citizen? A No; not upon the Final Roll he has been dead 24 years.

Q What was your mother's name? A Jennie George before she married my father.
Q Is she an enrolled Cherokee Citizen? A No; not upon the final rolls; she died in 1894.
Q Have you any brothers who are enrolled Cherokee Citizens? A Yes; four of them.
Q What are their names? A Eli Snell (F.C.R.#20279), Luch Snell now Blackfix (F.C.R.#20575), Carrie Fencer enrolled as O'Fields (20333).

Called on Nellie Snell to give testimony as to the birth of Emma and Ida Snell and she positively refused, stating she was opposed to enrollment, being what is known as a Night Hawk.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz 6

Subscribed and sworn to before me on this 23rd day of January, 1911.

Edward Merrick

90635

M E M O R A N D U M.

Cher. J. 153.

a Emma Snell, P. O., Kansas, Okla., on Eastern Cher. roll, No. 25087, not on E.C.T. rolls, born May 9, 1903.

b Ida Snell, P. O., Kansas, Okla., on Eastern Cher. roll, No. 25088, not on E.C.T. rolls, born May 14, 1907, not living March 4, 1906, not entitled.

Father -- Joshua Snell, enrolled as Joshua Snail, Cher. full blood, roll No. 19756.

Mother -- Lydia Snell, enrolled as Lydia Snail, Cher. full blood, roll No. 19757. Mother a Nighthawk, refused to testify.

Witness -- father.

Recommended that Emma Snell be enrolled as a minor full blood Cherokee and that Ida Snell be not enrolled, as not living on March 4, 1906.

Case # 153

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

DEPT. OF THE INTERIOR
RECEIVED
1906
96635

..... and a citizen of

..... Nation.

Approved..... 190...

.....

Commissioner.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Emma Snell [Here insert name of child] born on the 9th day of May 1903.

Name of Father: Joe Snell a citizen of the Cherokee Nation.

Name of Mother: Lydia Snell a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll No. 19756. Tribal enrollment of mother. Cherokee Roll No. 19757.

Postoffice Kansas, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~ State of Oklahoma,
..... District. } mother is sick to testify a mark affixed

I, ..., on oath state that I am .....

years of age and a citizen by ....., of the ..... Nation;

that I am the lawful wife of ....., who is a citizen, by

....., of the .....Nation; that a .....child was
[Male or Female]

born to me on .....day of ....., 1.....; that said child has been named

....., and was living March 4, 1906.

.....

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this .....day of ..... 1906.

.....
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~ State of Oklahoma,
Delaware County District.

I, Joe Snell, a ....., on oath state that I

attended on Lydia Snell my, wife of .....

on the 9th day of May 1903.; that there was born to her on said date a female
[Male or Female]

child; that said child was living March 4, 1906, and is said to have been named Emma Snell who is

now alive and living with me.

Joe Snell

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 19th day of January 1907.

R. A. Harrison - clerk
By Effie - Deputy - ~~Notary Public~~.

Cher 11105

Charlie Sourjohn

Cher 11105

JUL 24 1913

90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as citizen of the Cherokee Nation, of Charlie Sourjohn, who appears upon the eastern Cherokee Roll opposite No.25156, and is shown to be not upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had at Braggs, Oklahoma, December 28, 1910, by Mr. S. A. Mills, on behalf of the Commissioner.

Examination by Mr. Mills:

Albert Sourjohn being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Albert Sourjohn; age 38 years old; P.O., Braggs, Okla.

Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#21038)

Q Have you a son called Charlie Sourjohn who is not enrolled upon the final Rolls of the Five Civilized Tribes? A Yes sir.

Q Has he been enrolled upon the Eastern Cherokee Roll and did he participate in the distribution of the Eastern Cherokee Fund? A Yes. (See E.C.R.#25156)

Q What was the name of the mother of your child Charlie, for whom you are making application for enrollment at this time? A Oo-lu-ja Sourjohn.

Q Is she an enrolled Cherokee Citizen? A Yes; enrolled same time I was and my other children, Levi and Anderson. (See F.C.R.#21039, 21040 and 21041) I had another boy enrolled.

Q What is that other boy's name? A Silk. (See F.C.R.#32650).

Q Then your son Charlie has never been enrolled upon the Final Rolls? A No sir.

Q Have you ever made application for his enrollment heretofore? A No sir.

Q Why not? A I didn't know anything about it.

Q How old is your boy Charlie? A Six years old.past.

Q What year, month and day was he born? A 1st day of Nov. 1904.

Q Have you a written record of that event? A Yes; I have it in a book at home.

Q Why did you not bring that book with you? A I didn't think of it.

Q Who was present when your son Charlie was born? A Nobody, just myselfand my wife.

Q Is there any one here who knows about he birth of your child? who saw him soon after he was born? A No; there is no one here

Q Where is your son Charlie now and who is he living with? A Here he is, (indicating the child) he is living with me.

Q You stated that your wife's name was Oo-lu-ja Sourjohn: did you make application for her to be enrolled upon the Eastern Cherokee Roll for the purpose of receiving her share of the Eastern Cherokee fund? A Yes. (See E.C.R.#25152)

Q I note upon the Eastern Cherokee Rolls that she is [illegible] final roll number and it would appear by the showing upon this roll that she was not enrolled upon the Final Rolls of the Five Civilized Tribes: that is an error, is it not? whereas not showing enrollment upon the final Rolls of the Five Civilized Tribes as Cherokee Citizen she is enrolled and enrolled opposite Final Cherokee Roll No.21039? A Yes sir.

Q Has she received an allottment of land as Cherokee Citizen? A Yes.
Q Was there ever any other person in your family other than your wife whose name was Oo-la-ja? A No sir.
Q Did you ever know of any person by the name of Oo-la-ja? A No; none other than my wife.

The child is present and appears to be of the age and blood claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 10th day of January, 1911.

R. P. Harrison, Clerk.
By Edward McGirk
Deputy.

90635

M E M O R A N D U M.

Cher. S. 100.

Charlie Sourjohn, P. O., Braggs, Okla, on Eastern Cherokee roll No. 25156, not on P. C. T. rolls, born Nov. 1, 1904, produced at the hearing and appeared to be of the age and blood claimed; no previous application. Father said, "I didn't know anything about it."

Father -- Albert Sourjohn, Cher. full blood, roll No.21038.

Mother -- Co-la-ja Sourjohn, enrolled as Colivey Sourjohn, Cher. full blood, roll No. 21039.

Brother -- Levi Sourjohn, Cher. full blood, roll No. 21040.

Brother -- Anderson Sourjohn, Cher. full blood, roll No. 21041.

Brother -- Silk Sourjohn, Cher. full blood, roll No. 32650.

Witness -- father.

Recommend that Charlie Sourjohn be enrolled as a full blood minor Cherokee.

BIRTH AFFIDAVIT 199

OF INDIAN AFFAIRS
RECEIVED
JUL 1913

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

90635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Charlie Bonijohn [Here insert name of child], born on the 1st day of November 1904.
Name of Father: Albert Bonijohn a citizen of the Cherokee Nation.
Name of Mother: Do-lu-ja Bonijohn a citizen of the Cherokee Nation.
Tribal enrollment of father Cherokee, Roll # 1039. Tribal enrollment of mother Cherokee, Roll # 1089
Postoffice Braggs, Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
..... District. } Enrolled - Jan 22-1910

I, ... on oath state that I am .....
years of age and a citizen by ....., of the ..... Nation;
that I am the lawful wife of ....., who is a citizen, by
....., of the .....Nation; that a .....child was
[Male or Female]
born to me on .....day of ....., 1.....; that said child has been named
....., and was living March 4, 1906.

.....

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this .....day of ..... 1906.

.....
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Muskogee County, ... District. }

I, Albert Bonijohn, a ....., on oath state that I
attended on Do-lu-ja Bonijohn my wife of .....
on the 1st day of November, 1904; that there was born to her on said date a male
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named Charlie Bonijohn, and
he is now alive & living with me.

his
Albert X Bonijohn
Mark

WITNESSES TO MARK:

[Must be Two Witnesses] { W E Foltz Muskogee Okla
S D Wells, Muskogee, Okla

Subscribed and sworn to before me this 28th day of December 1910

R P Harrison - Clerk
By Offutt - Deputy
~~Notary Public.~~

Cher 11106

Lacey Spade

Cher 11106

Department of the Interior.
Commission to the Five Civilized Tribes.
November 30, 1910.

In Re Application for enrollment as a citizen of the Cherokee Nation of Lacy Spade.

Note: Said Lacy Spade is shown upon the Eastern Cherokee Roll to be enrolled upon the Final Rolls of thr Five Civilized Tribes opposite No. 4833-M, which is an error.

Jennie Spade, being first duly sworn, testified as follows, through Thomas P. Roach, Interpreter.

EXAMINATION ON BEHALF OF THE COMMISSION BY S. A. MILLS:

Q What is your name, age , and post-office address?
A Jennie Spade, thirty-nine years, post-office, Proctor, Okla.
Q Are you an enrolled Cherokee citizen? A Yes, a full-blood. (Cherokee Roll #27064).
Q What is your husband's name? A James Spade.
Q Is he an enrolled Cherokee citizen? A Yes. (Cherokee Roll #27063)
Q Have you a child named Lacy Spade? A Yes.
Q Is he living? A Yes, here he is. (Indicating the child)
Q When was this child Lacy born? A The second day of September, 1902.
Q Have you a record of the date of the birth of this child?
A Yes, sir.
Q Please let me see that record. It is in my trunk and my husband is not here and he has the key in his pocket.

Note: Thomas P. Roach, interpreter, states that a copy of the record of the birth of Lacy Spade was on file with the Commissioner at Muskogee, in Cherokee, and had been interpreted by him for the Commission, and that the statement of the date of the birth of Lacy Spade made by Jennie Spade as of September 2, 1902, is correct.

Q Has your child Lacy been enrolled? A No, sir. Samuel Walkingstick was supposed to have made the application, as he was with the Commission at the time we gave his name in with that of our other children.
Q What other children have you? A We have five children.
Q What are their names? A Robert, Charles, Rukey, Lacy and Susie
Q Have you ever received any notice from the Dawes Commission of the enrollment of any members of your family for which you say you have heretofore made application for enrollment? No, sir; I thought the child had got his allotment and didn't know that he hadn't.
Q Who waited upon you at the birth of Lacy Spade? A Rachel Spade.

Q Is this child now living and living with you? A Yes, sir.

Note: Child was present and appeared to be of the age and blood claimed.

Rachel Spade, being first duly sworn, testified through Thomas P. Roach, interpreter, as follows:

Q What is your name, age and post-office address? A Rachel Spade, about fifty-four years old, post-office Proctor, okla.
Q Are you an enrolled Cherokee citizen? A Yes, s r, a full-blood. (Cherokee Roll #1431.
Q Do you know James and Jennie Spade? Yes, sir.
Q Are they full-blood Cherokees, and have they a child named Lacy Spade? A Yes, sir.
Q Did you wait upon Jennie Spade when Lacy Spade was born? A Yes, sir.
Q When was that? A Second day of September, 1902.
Q How do you fix that date so positive, have you a record of same? A I know that is right, because I have seen the record made by my brother, James Spade.
Q Is Lacy Spade now alive? A Yes, living with his parents.
Q Is this Lacy Spade? (Indicating the child) A Yes.
Q Do you know if any application has heretofore been made for the enrollment of this Lacy Spade? A Not that I know of. I didn't know that the child didn't have any land.

W. H. Byrd, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

W H Byrd

Subscribed and sworn to before me this 3 day of December, January 1914.

R. P. HARRISON Clerk

U.S. Commissioner

GENERAL OFFICE
DANA H. KELSEY,
Superintendent in charge,
Muskogee, Oklahoma.

In reply please refer
to the following:

DEPARTMENT OF THE INTERIOR,

UNITED STATES INDIAN SERVICE,

OFFICE OF SUPERINTENDENT, UNION AGENCY,
FOR THE
FIVE CIVILIZED TRIBES.

LOCAL DISTRICT AGENTS'
OFFICES AT
Vinita, Oklahoma.
Nowata,
Sapulpa,
Okmulgee,
Checotah,
Westville,
Antlers,
Hugo,
McAlester,
Holdenville,
Atoka,
Tishomingo,
Ardmore,
Pauls Valley,
Chickasha,

INDIAN AFFAIRS
JUL 1913
90635

MUSKOGEE, OKLAHOMA,

Father James Spade P.O. Proctor Okla.
Mother Jennie Spade " " " "

Spade was born March 10-1895
Jessie Spade was born Sept 12-1902
Susie Spade was born March 25-1905
Rosie Spade was born March 23-1909

Formulation of a record kept by James Spade, made by Theo Roach Official Interpreter Union Agency,

90635

Cher. J. 11

MEMORANDUM

a. Susie Spade on Eastern Cherokee Roll No. 25184, not shown to be enrolled on F. C. T. Rolls.

Susie Spade born March 25, 1905, has been enrolled under Sec. 2 of the Act of April 26, 1906, (34 Stat. L. 137), See Susie Spade Cherokee Roll No. 4833 M. born March 22, 1905, application filed July 24, 1906.

b. Lacey Spade, born Sept. 12, 1902, on Eastern Cherokee Roll No. 25183, not on F. C. T. Rolls, still living. Parents understood that Simon Walkingstick, an interpreter in the employ of the Commission enrolled it. R. Lacey Nov 4. 1910

Father -- James Spade, Cherokee full blood, Roll No. 27063

Mother -- Jennie Spade, Cherokee full blood, Roll No. 27064.

c. Rosie Spade, born March 23, 1909, of above parents, born after March 4, 1906, and not living on last named date not entitled.

Recommended that Lacey Spade be enrolled as a minor full-blood Cherokee.

Already enrolled No. 4833 Mother Jennie Spade No. 7064 born March 22-1905. Application received July 24 1913 DEPARTMENT OF INDIAN AFFAIRS RECEIVED

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

90635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation.

No. 4833 newborn of Susie Spade [Here insert name of child], born on the 25th day of March 1905

Name of Father: James Spade a citizen of the Cherokee Nation. No. 7064

Name of Mother: Jennie Spade a citizen of the Cherokee Nation. No. 7064

Tribal enrollment of father: Cherokee by Blood Tribal enrollment of mother: Cherokee by Blood

Postoffice: Proctor, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ Adair County
State of Oklahoma ~~District.~~

I, Jennie Spade on oath state that I am 39 years of age and a citizen by blood of the Cherokee Nation; that I am the lawful wife of James Spade, who is a citizen, by blood, of the Cherokee Nation; that a female [Male or Female] child was born to me on 25th day of March 1905; that said child has been named Susie Spade and was living March 4, 1906, and is still living and is present.

Jennie Spade

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 4th day of November 1913

R. P. Harrison, Clerk
By A. Miller, Deputy ~~Notary Public~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ Adair County
State of Oklahoma ~~District.~~

I, Rachel Spade a midwife on oath state that I attended on Jennie Spade wife of James Spade on the 25th day of March 1905; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Susie Spade

Rachel Spade

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 12th day of Nov. 1913 ~~1906~~.

R. P. Harrison
Notary Public.
Charles Wilson

Rosie Spade was buried with Mama & Papa Spade on Dec 23, 1903 at Welling Okla

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

OF INDIAN AFFAIRS (RECEIVED) JAN 1913 90635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Rosie Spade [Here insert name of child] born on the 23rd day of March 1909.

Name of Father: James Spade a citizen of the Cherokee Nation. No. 19063

Name of Mother Jennie Spade a citizen of the Cherokee Nation. No. 19064

Tribal enrollment of father Cherokee by blood Tribal enrollment of mother Cherokee by blood

Postoffice Proctor, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ Adair County

State of Oklahoma ~~District~~

I, Jennie Spade, on oath state that I am 39 years of age and a citizen by blood of the Cherokee Nation; that I am the lawful wife of James Spade, who is a citizen, by blood of the Cherokee Nation; that a female [Male or Female] child was born to me on 23rd day of March 1909; that said child has been named Rosie Spade and was not living March 4, 1906, but is now living and present.

Jennie Spade

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 4th day of November 1910

R. P. Harrison, Clerk

By L. Mills, Deputy ~~Notary Public~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ Adair County

State of Oklahoma ~~District~~

I, Rachel Spade a midwife on oath state that I attended on Jennie Spade wife of James Spade on the 23rd day of March 1909; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Rosie Spade

Rachel Spade

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 12 day of Nov 1910

R. P. Harrison

Charles Carlson

Notary Public.

Cher 11107

Myrtle May Spaniard

Cher 11107

DEPARTMENT OF THE INTERIOR.

COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

RECEIVED JUL 24 1913 90635

IN RE APPLICATION FOR ENROLLMENT, as a Citizen of the Cherokee Nation, of Myrtle May Spaniard.

PROCEEDINGS had at Gore, Oklahoma, December 27th, 1910, by Mr. S.A. Mills, on behalf of the Commissioner.

Interpreted by Nelson L. Crapo, Gore, Okla., who was first duly sworn.

Examination by Mr. Mills:

Jack Spaniard being first duly sworn testifies as follows, without Interpreter:

Q State your name, age and Post office address? A Jack Spaniard; P.O., Gore, Okla, age 29.
Q Are you an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.#18064)
Q What is your wife's name? A Eliza Spaniard; was Crapo before my marriage.
Q What is the purpose of your appearance here at this time? A For the purpose of making application for the enrollment of my child, Myrtle May Spaniard.
Q Where is Myrtle May? A Here she is--indicating the child.
Q Have you ever made application before the Dawes Commission for the enrollment of this child? A No sir.
Q When was this child born? A August 29, 1905.
Q Why did you not make application? A I just neglected it.
Q Have you a record of the date of the birth of that child? A Yes sir.
Q Please let me see that record? A (Here witness submits memorandum book upon one of the pages of which reads, written in english, " "Myrtle Spaniard, bornd Aug. 29, 1905")
Q Is this a true record of the date of the birth of that child? A It is.
Q When was this record made? A It was made after the baby was born.
Q Who made this record? A Themother of the child.
Q Who was present when this child was born? A I had no Doctor; my mother and my father werethere; both of them are dead now.
Q Did you participate in the distribution of the Eastern Cherokee fund? A No sir.
Q Did your wife? A Yes sir.
Q Was any application made for theenrollment of this child upon the Eastern Cherokee Roll for the purpose of participating in the distribution of the Eastern Cherokee fund? A No sir.
Q Then t ere never has been any application heretofore made for the enrollment of this child upon the Tribal Rolls? A No sir.

Eliza Spaniard being first duly sworn testifies as follows:

Q State yourname, age and post Office address? A Eliza Spaniard nee Crapo; age 43; P.O., Gore, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes sir.(See F.C.R.#21204)
Q Are you the wife of this Cherokee Citizen, Jack Spaniard? A Yes sir.
Q Are you the mother of Myrtle May Spaniard, for whom Jack Spaniard is now making application for the enrollment as Cherokee Citizen upon the Final Rolls? A Yes sir.
Q Do you know whether or not any application has ever heretofore been made by you or any one for the enrollment of this child Myrtle May? A No sir.
Q When was your child Myrtle May born? A Aug. 29, 1905.
Q Have you a written record of that event? A Yes sir. (Witness submits same record book, with the same record as submitted by her husband Jack Spaniard)
Q This record book reads "Myrtle Spaniard, bornd August 29, 1905". Is that a correct record ofthe date ofthe birth of your child Myrtle? A Yes sir.
Q Who made this record? A I wro e it myself.
Q Who is this child Myrtle living with? A Living with me.
Q Are all persons who attended you at the birth of your child Myrtle dead excepting your husband? A Yes sir.

The child is present and appears to be of the ageand blood claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W. E. Foltz

Subscribed and sworn to before me on this 10th day of January, 1911.

R. P. Harrison, Clerk.

By Edward Herrick.
Deputy.

90635

Cher. J. 92.

MEMORANDUM.

Myrtle May Spaniard, P. O. Gore, Oklahoma, born August 29, 1905, produced at the hearing Dec 27. 1910 and appeared to be of the age and degree of blood claimed. No previous application as the Father said "I just neglected it."

Father, Jack Spaniard, Cher. roll No. 18064, $\frac{3}{4}$ degree blood.

Mother, Eliza Spaniard, enrolled as Eliza Crapo, full blood.

Witnesses, father and mother.

Recommended that Myrtle May Spaniard be enrolled as a minor Cherokee, seven-eighths degree blood.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

OCT 24 1913 10635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Myrtle May Spaniard [Here insert name of child], born on the 29th day of August 1905.

Name of Father: Jack Spaniard a citizen of the Cherokee Nation.

Name of Mother: Eliza Spaniard - nee Crapo a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll # 18064. Tribal enrollment of mother Cherokee Roll # 21204.

Postoffice Stone Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Rogers County ~~District~~.

I, Eliza Spaniard - nee Crapo, on oath state that I am 43 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of Jack Spaniard, who is a citizen, by Blood of the Cherokee Nation; that a Female [Male or Female] child was born to me on 29th day of August, 1905; that said child has been named Myrtle May Spaniard, and was living March 4, 1906. She is now alive and living with me.

Eliza Spaniard

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 27th day of December 1906

R. P. Harrison - Clerk
By A Willis - Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Rogers County ~~District~~.

I, Jack Spaniard, a ..., on oath state that I attended on Eliza Spaniard nee Crapo - My wife of ... on the 29th day of August 1905; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Myrtle May Spaniard, She is now alive living with me.

Jack Spaniard

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 27th day of December 1906

R. P. Harrison - Clerk
By A Willis - Deputy Notary Public.

Cher 11108

Sunday or Peter Speaker

1

Cher 11108

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

Department of the Interior.
Commission to the Five Civilized Tribes.
November 30, 1910.

In Re Enrollment of Sunday Speaker as a citizen of the Cherokee Nation, and involving In Re enrollment of Peter Speaker, et al; also Speaker Sunday, who appears opposite #26036, Eastern Cherokee Roll, and Betsy, who appears opposite #26037, Eastern Cherokee Roll.

Betsy Greese, being first duly sworn, testified as follows:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q What is your name, age and post-office address? A Betsy Greese; I am sixty-two years old; my post-office is Welling.
Q Are you an enrolled Cherokee citizen? A Yes, sir.
Q Full blood? A Yes, sir.
Q Do you know your roll number? (Here witness submits certificate of allotment, which shows Cherokee roll number to be 14898)
Q What is your husband's name? A Ned Greese.
Q Was he an enrolled Cherokee citizen? A Yes, he was a full-blood Cherokee Indian, but not enrolled, as he died, being dead about twelve years.
Q Have you any children who are enrolled? A No, sir. I had a daughter, Nancy, but she died about ten or twelve years ago.
Q Did your deceased daughter leave any children?
A She left five in all.
Q Please state their names and ages. A Maggie Carlile, now about twenty-one (Cherokee Roll #14899), Eli Speaker, he is dead; he died six years ago last September; Samuel Speaker, about seventeen years old, (Cherokee Roll #15873), Dick Speaker, thirteen years, (Cherokee Roll #15875).
Q Have these children been enrolled and allotted lands as Cherokee citizens? A Yes, sir.
Q Where was Joseph Speaker allotted lands, if you know?
A I don't know exactly; only where that old man Speaker lives now.
Q Who do you mean by old man speaker? A Speaker Sunday.
Q Was Speaker Sunday in possession of the lands and improvements thereon when your grand-son, Joe Speaker, was filed thereon? A Yes, sir.
Q Please explain to me how your grand-son, Joe Speaker, was filed upon the lands and improvements occupied and claimed by Speaker Sunday. A By the Commissioner, who arbitrarily filed Joe upon the land, the Commissioner saying that it was vacant land.
Q Then for the purpose of alloting Joe Speaker upon the lands and the improvements then claimed by Speaker Sunday you, yourself, or no one that you know of made any purchase of filing upon said lands for your grand-son, Joe Speaker? A No, sir; I never saw Speaker Sunday about it nor no one else,-it was as the Commissioner done it.
Q Are you well acquainted with Speaker Sunday? A Yes, sir.
Q What is Speaker Sunda's age? A He is about 60 years old.
Q What is Speaker Sunday's wife's name? A Che-yah-si.
Q Is she still living? A Yes, sir.
Q What is her age, if you know? A I don't know,-she is older than I am.
Q Have you any children? A Yes, one.
Q What is it's name? A Lizzie. (Enrolled as Lizzie Buckhorn, Cherokee Roll #20709).

Q Is Lizzie Huckhorn living with Speaker Sunday and his wife? A She is living by herself.
Q Where is she living? A Close to Speaker Sunday's.
Q Has she any family? A Yes, she has three children; two children by Tom McLemore, her present husband, and one other child, called Thomas Foreman,-I don't know his name.
Q How old is this Thomas Foreman, if you know? A I don't know.
Q Was there a member of the Speaker Sunday family known as Chelousa Bullfrog? A Yes.
Q Do you know who is the father and mother of Chelousa Bullfrog? A No, sir.
Q How old is this Chelousa Bullfrog? A I don't know; I think she is about twenty-one years of age.
Q Who is the father of Chelousa Bullfrog? A I don't know; she is an orphan who Speaker Sunday and his wife raised.
Q Is this Thomas Foreman and Chelousa Bullfrog now living?
A Yes, sir; Thomas Foreman is living with Speaker Sunday, and Chelousa Bullfrog is now married, married to a man by the name of Charley Jumper, living near Kelling.
Q Do you know a Cherokee citizen named Peter Speaker?
A Yes, he is the same Speaker Sunday that I have been talking about.
Q How is that? Please explain to me how it occurs that Peter Speaker and Speaker Sunday are one and the same person? A Some people call him Peter Speaker because his father's name was Peter and others call him Speaker Sunday.
Q Where does the name Sunday originate from in this family? A Because he was called by his parents Gad-wa-si the translation of which is Sunday, and his Cherokee name is Da-ca-na, which, when translated into English is Speaker.
Q Then, if I understand you correctly, the father of Speaker Sunday was a Peter, and this, his son, was called Gad-wa-si Da-ca-na, which, when translated into English is Speaker Sunday? A Yes, sir.
Q Do you know whether or not any application has ever been made for the enrollment of Peter Speaker, his wife Betsy, their grand-son, Thomas Foreman, and their ward, Chelousa Bullfrog? A no, sir.
Q Do you know whether they are opposed to enrollment and allotment of lands or not? A They are Nighhawks and are opposed to enrollment and allotments.

Note: Speaker Sunday was seen personally, but would not give any information. However, through indirect questioning the testimony od Betsy Greene was corroborated by him. (Speaker Sunday in the foregoing testimony is in possession of the lands allotted to Joe Speaker and is the grand-father of Joe Speaker).

Jennie Spade, being first duly sworn, testified as follows, through Thomas P. Roach, Interpreter:

Q What is your name, age and post-office address? A Jennie Spade, age thirty-nine; post-office address Proctor, Okla.
Q Are you enrolled Cherokee citizen? A Yes, sir. (Cherokee Roll # 27064).
Q Do you know a Cherokee citizen named Sunday Speaker, if you know?
A I think he is about sixty years old.
Q Do you know whether or not he is enrolled as a Cherokee citizen?
A I don't know.
Q Is he considered by yourself and his neighbors to be a Cherokee citizen? A Yes, a full-blood.
Q Who was the father of Sunday Speaker or Speaker Sunday?
A Peter.
Q Peter what,-did he have any other name besides Peter?
A He was called by the name of Peter Gad-wa-si.
Q Was he every known as Peter Speaker? A Just named Peter; sometimes Gad-wa-si.

Q Please interpret for me from Cherokee into English Gad-wa-si.
A Sunday.
Q Was Peter ever known by the name of Speaker? A No. The only other name that I know of was Gad-wa-si.
Q How long have you known Sunday Speaker? A I have known him nearly all of my life.
Q How many children did Peter, also sometimes called Gad-wa-si, have? A Only one child, Sunday Speaker.
Q By what name did you know Sunday Speaker first?
A Da-ca-na.
Q Please give me the interpretation from the Cherokee to the English of that name? A Speaker, in English.
Q How long did you know him as Speaker without any other name? A Until he was about eleven years old.
Q Then was he given an additional name to Speaker?
A Along about that time he was given the name of Gad-wa-si Da-ca-na.
Q Please give me the interpretation from the Cherokee to the English of that name? A Speaker, in English.
Q How long did you know him as Speaker without any other name? A Until he was about eleven years old.
Q Then was he given an additional name to Speaker?
A Along about that time he was given the name of Gad-wa-si Da-ca-na.
Q Then, if I understand you right, as to the interpretation of the original name of Sunday Speaker up to the time he was about eleven years old, and at that time was given another name which in Cherokee is Gad-wa-si Da-ca-na, which in English is Sunday Speaker? A Yes, sir.
Q Then, since that time he has been known by you as Sunday Speaker? A Yes.
A Is Sunday Speaker married? A Yes; been married twice.
Q What was his first wife's name? A Elsie Looabout.
Q Did Sunday Speaker have any children by Elsie Looabout?
A Yes, sir, six.
Q What are their names, please? A The oldest one was named Grant Speaker, and another was named Arch.
Q What was his second wife's name? A Che-yaw-si Speaker.
Q What children were born to Sunday Speaker by his second wife? A Lizzie; she is now married and her name is McLemore.
Q Do you know any one -- did you ever know her by the name of Lizzie Buckhorn? A Yes; that was her second husband's name, or first.
Q Lizzie lived with another man before Buckhorn? Yes; she also lived with a man called Ned Fields for awhile.
Q Did Sunday Speaker's son Grant have a family? A Yes.
Q What are the names of Grant Speaker's children? A Eli, Samuel, Dick, Joseph, and also had a step-daughter name Maggie.
Q Do you know whether or not the children of Grant Speaker were enrolled or not. A I don't know.
Q Is grant Speaker now living or dead? A Dead.
Q When did he die? A Been about nine years.
Q Who was the wife of Grant Speaker, the mother of these children? A Nancy.
Q Who was the wife of Arch Speaker? A Jennie.
Q What are the names of his children? A Gad-wa-si (Sunday), Susie and Lydia.
Q You say that you know Lizzie McClemore, formerly Buckhorn, formerly Speaker, what children has she? A Got a boy by the name of Thomas, a child named Nancy, and one named Richard.
Q Who was the father of Lizzie's son Thomas? A Ned Fields.
Q By what name is this child Thomas known? A Always called him Tom Speaker.
Q Did you ever know him to be called Thomas Foreman?
A Never was known--
Q How old is this son Thomas? A About fifteen.
Q Who was present when he was born, if you know?
A Lizzie's mother.
Q Who is the father of Nancy?

A Tom McClemore.
Q How old is Nancy? A About five; she was born about October 27, 1905.
Q How do you fix that date as being the latter part of October, 1905? Have you any record book, or do you know of any record showing that date? A I have a daughter of nearly the same age of this child Nancy, and I nursed Nancy for a short time.
Q How old is the child Richard? A About two years.
Q Was there ever any child known as Chelousa Bullfrog, a member of the family of Sunday Speaker? A Yes, I know Chelousa Bullfrog.
Q What was the name of Chelousa's father? A Oo-lah-nah-ste-ski.
Q Is he living or dead? A Dead.
Q When did he die? A Chelousa was about two years old.
Q Who was the mother of Chelousa? A Polly Sparrowhawk.
Q Was there any other children besides Chelousa of Polly and Oo-lah-nah-ste-ski? A She was a lone child.
Q Is Chelousa's mother dead? A Yes, Chelousa was about twelve years old when her mother died.
Q How did Chelousa get into the Speaker family? A Chelousa was given to Speaker on account of her mother marrying again and having no place to keep her.
Q Did Sunday Speaker raise Chelousa Bullfrog? A Yes.
Q How long did she live with him? A Yes, she lived with him until she was married.
Q Who did Chelousa marry? A Somebody by the name of Charley.
Q Where is Chelousa Bullfrog now? A Over by Wauhillau.
Q Do you know if Sunday Speaker is a member of what is known as the Nighthawks? A He is known as such.
Q Do you know if he has been, up to the present time, been enrolled as a Cherokee citizen and received his allotment?
A He always objected to allotments.
Q Do you know if Sunday Speaker or his wife Betsy or Chelousa Bullfrog were ever upon the tribal rolls or received any of the Eastern Cherokee Payment moneys, or other moneys? A Sunday Speaker told me that he drew the Strip Payment at Tahlequah for himself and family. Chelousa Bullfrog's money was also drawn, but her mother, Polly Sparrowhawk, drew that, who at that time was living. (Cherokee Roll #29975).

Ermine Craig, being first duly sworn, testified as follows:

Q What is your name? A Ermina Craig.
Q How old are you? A I am sixty, somewhere, I don't know my age exactly. (Enrolled on Final Rolls as Amina Craig opposite #15139; also enrolled as Ermina Craig, as shown by the Eastern Cherokee Roll, opposite #8659).
Q Are you an enrolled Cherokee citizen? A Yes, sir. (Cherokee Roll #15139).
Q Do you know one Peter Speaker? A Yes, sir.
Q Is he living or dead at this time? A Living.
Q Do you know one Sunday Speaker? A Yes, this is the same man.
Q How long have you known Peter Speaker or Sunday Speaker?
A About twenty-two years.
Q Have you heard him addressed, and do you know and do the neighbors know him by both names of Peter Speaker and Sunday Speaker? A Yes, sir.
Q Can you explain to me how it is that this man is called both Peter Speaker and Sunday Speaker? A I can't explain only that one was a Cherokee name and one his English name.
Q You say that you don't know, only that one is his English name and the other his Cherokee name. Please tell me which is the English name, and which is the Cherokee name.
A Peter Speaker is the English name and Sunday Speaker is the Cherokee name.
Q Please give me the Cherokee for Sunday Speaker. A Cad-

wa-si Da-ca-na.
Q What was the name of the father of Peter Speaker or Sunday Speaker? A I don't know.
What is Sunday Speaker's wife's name? A Che-yaw-si, the English of which is Betsy.
Q What children did they have, if you know? A She had only one daughter that I know of, Lizzie McClemore now.
Q Was this child, Lizzie McClemore have any other name, been married any other times?
A Lizzie Buckhorn, and before that Lizzie Fields.
Q Did Sunday Speaker or Peter Speaker, as you say he is also named, have another wife besides Betsy?
A Not that I know of.
Q Do you know of any other children belonging to Sunday Speaker and Betsy Speaker orther than this Lizzie McClemore?
A Yes, there were two boys, Arch Speaker and Grant Speaker.
Q Do you know if they were enrolled? A I don't.
Q Do you know if they have families, Grant and Arch? A I don't know whether Arch did or not, Grant did.
Q Do you know the name of Grant's wife and their children?
A I believe I know the childrens' name,--I don't know--his wife's name was Nancy.
Q Do you know the wife of Arch or their children? A No.
Q You say that Peter Speaker or Sunday Speaker and his wife Betsy had one daughter named Lizzie McClemore, formerly Buckhorn, formerly Fields,--what children has this Lizzie? A son Tom Fields, and two others, I don't know their names.
Q Who was the father of this Tom Fields, the child of Lizzie when she was Mrs. Fields? A I don't know.
Q Is this Thomas Fields now alive? A Yes, there he is,-(Indicating the child).
Q Who is he living with now? A He has been staying here awhile, but lives with his grand-pa most of the time.
Q Who is that grand-pa that you refer to?
A Sunday Speaker.
Q Have you ever heard this Thomas Fields called Thomas Foreman?
A No, sir, I never have.
Q Have you ever heard the name Foreman in connection with any of the family of Sunday Speaker or Peter Speaker, as you know them? A No, sir, I never have.
Q Do you know one Chelousa Bullfrog? A He raised a girl by that name.
Q You state he, who do you mean? A Sunday Speaker.
Q How old is this Chelousa Bullfrog now, if you know?
A I don't know, she is a woman, grown, and I have been told that she is now married.
Q How long since you saw this Chelousa Bullfrog? A It has been several years.
Q Within the last five years? A Yes.
Q Do you know who the father of Chelousa Bullfrog is? A No.
Q Do you know the mother of Chelousa Bullfrog? A Her mother was asister of Mrs. Speaker, but I don't know her name, that is, it was said to be so, but I don't know much about it.
Q Then you don't know for a certainty of any relationship between the mother of Chelousa Bullfrog and Betsy Speaker, the wife of Sunday Speaker? A I don't know for certain.
Q Are all these people whom I have mentioned, Peter or Sunday Speaker, as you know him, Betsy, his wife, this Thomas Fields, son of Lizzie McClemore and the grand-son of Peter or Sunday Speaker and his wife Betsy, and this Chelousa Bullfrog all full-bloods? A Yes, sir; they all look to be.
Q Have you know this Thomas Fields and this Chelousa Bullfrog since their child-hood? A Yes, sir; I have know Thomas since he was ababy, and the girl since she was about four years old.
Q When and how did Chelousa Bullfrog come into the family of Peter or Sunday Speaker, if you know when and how? A I don't know how.
Q Do you know if any of these people, Peter Speaker or Sunday Speaker, his wife Betsy, their grand-child Thomas

and this Chelousa Bullfrog have been enrolled or not?
A No, sir, I don't know.
Q Have they always been considered as full-blood Cherokees in this vicinity among the Cherokee people? A Yes; they all talk Cherokee and don't talk anything else.
Q Do you know of any one ver making application or giving in the names of Peter Speaker, his wife Betsy, Thomas Fields or Chelousa Bullfrog for enrollment?
A No, sir. (Here Interpreter Thomas P. Roach, states that he saw a letter and read same, filed with the Commission by one G. W. Craig, wherein he made application for the enrollment of Peter Speaker, his wife Che-yaw-si, or Betsy, and their grand-son Thomas, and an adopted child, Chelousa Bullfrog).
Q Can you give us any additional testimony that will identify Peter Speaker or Sunday Speaker, as you know him, his wife Betsy, and their grand-son, Thomas Fields, and the said Chelousa Bullfrog? A No, that is about all I know about them. I have known them for a matter of twenty-two years, and I don't know of any further information that I can give you.
Q Do you know if Peter Speaker or Sunday Speaker, as you know him, is opposed to enrollment and the taking of allotments? A I don't know.

The following information was gotten from Thomas Foreman or Thomas Fields, the son of Lizzie McClemore and the grand-son of Peter and Betsy Speaker.

Q What is your name? A Thomas Fields.
Q How old are you? A I am sixteen years old.
Q Who is your father? A Ned Fields.
Q What is your mother's name? A Lizzie McClemore now.
Q Who is your mother's father? A Sunday Speaker.
Q Did you ever hear your grand-father called Peter Speaker?
A Yes, sir.
Q Then, your grand-father, that is, the father of your mother, has two names, sometimes called Peter Speaker and sometimes called Sunday Speaker? A Yes, sir.
Q Is your father, Ned Fields, living? A I don't know.
Q Who do you live with when you are at home? A Grand-pa.
Q Sunday Speaker? A Yes, sir.
Q Do you know if you have been allotted land, or have been enrolled? A I don't know.
Q Has your mother any other name besides Lizzie Fields, or Lizzie McClemore? A Yes, Lizzie Buckhorn.
Q Has she been enrolled and allotted lands? A I don't know. (Witness appears to be of the age that he testifies to, and to be a full-blood Cherokee Indian).

Sallie Jumper, being first duly sworn, testified as follows, through Interpreter Thomas P. Roach,
(December 1, 1910.)

Q What is your name, age and post-office address? A Sallie Jumper about twenty-fuve years, post-office Wauhillau, Oklahoma.
Q Are you an enrolled Cherokee citizen? A I don't know.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Charles Jumper.
Q Have you received your Eastern Cherokee Payment money?
A No.
Q Have you ever received any of the Cherokee payments?
A Yes, my mother drew money for me.
Q What is your mother's name? Polly Sparrowhawk. (Cherokee Roll #29975)
Q What is your father's name? A Oo-lah-nah,ste-ski. (Cherokee Roll #29976)
Q Who raised you? A Sunday Speaker.
Q Was he sometimes known as Peter Speaker? A Not as I know of.

Q You say that you was raised by Sunday Speaker? A When I was a small girl I was taken by Speaker because my mother didn't have no home to take me to.
Q When did your father die? A I was about a year old when my father died.
Q Is your mother dead? A Died about six years ago.
Q What children did Sunday Speaker have, who raised you?
A Grant, A rch and Lizzie.
Q What was Sunday Speaker's wife's name? A Betsy
Q Was there ever any application made for your enrollment as a Cherokee citizen? A I don't know.
Q Did any one ever talk with you about being enrolled and receiving your share of the lands of the Cherokee Nation?
A Not as I know of.
Q Is it your desire to be enrolled as a Cherokee citizen and receive your share of the lands and moneys of the Cherokee Nation? A Yes, sir.
Q By what name was you known while in the family of Sunday Speaker? A Chelousa Bullfrog, which was my Cherokee name.
Q Was Sunday Speaker, the man who raised you, in favor of enrollment and allotments of lands? A He always objected to allotment and enrollment while I lived with him.

Note: It appears to me that Chelousa Bullfrog, (Jumper), also known as Sallie Oo-la-nah-ste-aki, has been enrolled with her mother, Polly Sparrowhawk, opposite Cherokee Roll #29976.

W. H. Byrd, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

W. H. Byrd

Subscribed and sworn to before me this 3rd day of ~~December~~ January, 1910.

R. P. Harrison, Clerk

By P. A. Harrison,
Deputy.

SEAL

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

Cherokee Jacket, No. 118.

Memorandum.

Speaker Sunday alias Sunday Speaker alias Peter Speaker, (in Cherokee, Gad-wa-si Da-ca-na) 60 years old, P. O. Welling, Oklahoma, is the son of Peter Gad-wa-si or Peter Sunday. By his first wife, Elsie Locabout, he had two children Grant Speaker and Arch Speaker, Cherokee Roll 19842, who has a son named Sunday Speaker, 10 years old enrolled No. 19843 with him. By his second wife, Che-yaw-si or Betsey Speaker he had a daughter Lizzie enrolled as Lizzie Buckhorn Cherokee Roll No. 20709, now the wife of Tom McLemore by whom she has two children, one named Nancy, born October 27, 1905, and Richard and one child by Ned Fields named Tom Fields, alias Tom Speaker, alias Thomas Foreman now 16 years old not enrolled.

June 30, 1902, application made for the enrollment of Peter Speaker, his wife Betsey and Thomas Fields, which was dismissed on December 27, 1905, for lack of information. Recom-

mended that Peter Speaker and Thomas Fields be enrolled.

Chelousa Bullford, Wauhillau, Oklahoma, 25 years old, daughter of Oo-lah-nah-steeki and Polly Sparrowhawk, Cherokee Roll No. 29975 and now the wife of Charlie Jumper Cherokee Roll No. 21006, is enrolled with her mother opposite No. 29976 under the name of Sallie Oolahnahsteeki, 13 years, full blood.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
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1 Peter Speaker)
Che-yaw-si or)
2 Betsey Speaker) E. C. Roll #2636 F 2837 Sunday
3 Thomas Foreman) Enrolled as Speaker Betsey not on F.R.
4 Chelousa Bullfrog) Welling or Proctor, Okla.

Sunday ats 17

On June 30, 1902, J. W. Craig of Tahlequah, Okla. applied for the enrollment of Peter Speaker his wife Che-yaw-si or Betsy, their grandson Thomas Foreman and an adopted child Chelousa Bullfrog. All are alleged full blood Cherokees. Ascertain if all parties were living on Sept. 1, 1902 and whether one or both parents of the adopted child, Chelousa Bullfrog are enrolled as Cherokee citizens. The names of Peter Speaker and his wife Betsey appear on the 1880 and 1896 rolls.

Speaker, Sunday or Sunday Speaker, Welling, Okla.

W. W. Ross advised that Sunday Speaker is a full blood Indian who has never been enrolled, Information has also been furnished the office concerning improvements belonging to an Indian named Sunday Speaker. On the Eastern Cherokee roll the name of Sunday Speaker appears No. 25225 of Welling, Okla. and he has been enrolled by the Dawes Commission Roll No. 19845. Speaker Sunday 10-M-full-8553. On same card appears his father Arch and sisters Susie, Lydia, Hattie. It is believed that the Sunday Speaker reported by Ross is identical No. 19847 now about 14 yrs.

(COPY)

Peter Speaker, et al. Welling or Proctor.

On June 30, 1902, J. M. Craig of Tahlequah, Okla. applied for the enrollment of Peter Speaker, his wife Che-yaw-si or Betsey, their grandson Thomas Foreman and an adopted child Chelousa Bullfrog. All are alleged full blood Cherokees. Ascertain if all parties were living Sept. 1, 1902 and whether one or both parents of the adopted child-Chelousa Bullfrog are enrolled Cherokee citizens. The names of Peter Speaker and his wife Betsy appear on the 1880 and 1896 rolls.

Mary Smoke, deceased wife of Louis Smoke No. 25600 said to be living with Sam Hickory Downing near Peggs, Okla. Ellen Smoke No. 4899 is a daughter of Louis and Mary Smoke. On Guion Miller opposite No. 25051, Mary Smoke is enrolled and Dawes Com No. 3832 is given which is the Dawes Commission No. 3832 of Mary Welch maiden name Nancy Chair who became the wife of David Welch who made affidavit that his wife Mary Welch died at Uniontown Arkansas on March 8, 1905 Mary Welch No. 3832 of Uniontown, Arkis enrolled with her two children Ned 3833 and Looney 3834. Ascertain from Louis Smoke if he can be found, if his wife Mary Smoke is identical with Mary Welch aforesaid, and if not identical, when his wife Mary died and whether they were married in accordance with Cherokee law and whether her name appears on any Cherokee tribal rolls or whether she ever received any Cherokee payments or applied for enrolment and if so, what action was taken on her application.

(COPY)

Peter Speaker & Speaker Sunday are the one and same person-are not enrolled on Final Rolls but enrolled on the Eastern Cherokee Roll as Speaker Sunday, opposite E. C. R. # 26036 and was placed on E. C. Roll at instance of Thomas Roach-Interpreter at the U. S. Indian Office.

Betsy Sundy, wife of Peter Speaker or Speaker Sunday-appears on the E. C. R. as #26037, and is not on the Final Tribes Rolls, both she and her husband confirmed night-hawks refused to be enrolled- Thomas Roach U. S. Indian Interpreter at the U. S. Indian Office at Muskogee caused both to be enrolled on it E. C. R.

Their child now Lizzie McLemore-formerly enrolled as Lizzie Buckhorn-see Final Roll # 20709about 30 years old-has a son called Thomas Foreman-now about 17 years old-living with his grandfather Speaker Sunday, neither have been enrolled. Chelousa Bullfrog is "a waif" living with her husband.

Cher 11109
swimmer Suake

Cher 11109

90635

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Hulbert, Oklahoma, November 15, 1910.

In the matter of the application for the enrollment of Swimmer Suake as a Cherokee citizen, whose name appears on the Eastern Cherokee roll, but does not appear on the final roll of the Commissioner to the Five Civilized Tribes.
The Eastern Cherokee roll shows this name as Swimmer Swimmer.

Testimony taken before George Reed,
Clerk of the Commissioner of
Indian Affairs.

Katie Swimmer being first duly sworn testified as follows, through Indian Policeman R. L. Taylor, interpreter:

Q What is your name, age and postoffice address?
A Katie Swimmer; 50 years old; postoffice Hulbert, Oklahoma.
Q Are you an enrolled citizen?
A Yes, full blood (cherokee roll No. 20813)
Q What is your husband's name? A Swimmer Suake.
Q Is your husband Swimmer Suake enrolled and allotted land?
A Yes (Cherokee Roll No. 20812)
Q Have you any children that are not enrolled? A Yes sir.
Q What is his name? A Swimmer Suake.
Q When was Swimmer Suake born? A He was six years old, September 24, this year.
Q Is Swimmer Suake, the child for whom you are making this application at this time, the child of your husband, Swimmer Suake? A Yes.
Q Have you any bible or other record of the date of the birth of your child Swimmer Suake? A No.
Q Is your husband, Swimmer Suake now living? A No, he's dead.
Q Is there anyone who can testify as to the date of the birth of your son Swimmer Suake? A No, the woman that tended me is dead.
Q Is this child Swimmer Suake living with you?
A Yes (indicating the child).
Q Was no one there other than the woman who you say attended you at the time Swimmer Suake was born? A No, only my husband.
Q Then all the witnesses as to the birth of your son Swimmer Suake are now dead? A Yes.
Q Have you a child named Swimmer Swimmer? A No.
Q Is this your son Swimmer Suake sometimes known as Swimmer Swimmer? A Yes, sometimes they call him that.
Q Please explain to me how that occurs? A I don't know, only people call him Swimmer Swimmer.

Witness excused.

2-Snake

Note The child was present and appeared to be of the blood and age claimed.

We were unable to obtain affidavit as to the birth of Swimmer Snake other than that of his mother. Other Cherokee citizens present, while knowing the child, were unable to give the date of his birth.

S. A. Mills, being first duly sworn states that the above and foregoing is a true and correct copy of his long hand notes, taken in the above entitled enrollment case, at Hulbert Oklahoma, on November 15, 1910.

S. A. Mills

Subscribed and sworn to before me this 9 day of December, 1910

R. P. Harrison

Clerk of the United States Court for the Eastern District of Oklahoma.

By D. M. Bynum Deputy.

35.

90635

MEMORANDUM.

Swimmer Suake, minor full blood Cherokee, born Sept. 22, 1904, still living.

The name Swimmer Swimmer appears on the Eastern Cherokee roll, No. 26161 without any number on E. C. T. roll.

Father - Swimmer Suake, deceased full blood Cherokee, roll No. 20812.

Mother - Katie Suake, P. O. Hulbert, Okla.- full blood Cherokee, roll No. 20813.

Witness - Nov. 15, 1910- mother. The child Swimmer Suake is also called Swimmer Swimmer. Child produced at hearing and appears to be of the age and degree of blood claimed. No doctor or midwife's testimony as all witnesses to the birth of son are dead.

Birth affidavit of mother filed.

Recommended that Swimmer Suake be enrolled as a minor full blood Cherokee.

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Swimmer Snake

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

see Willie Roll.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

90635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Swimmer Snake [Here insert name of child] born on the 22 day of September 1904.

Name of Father: Swimmer Snake (dead) a citizen of the Cherokee Nation No. 20812

Name of Mother: Katie Snake a citizen of the Cherokee Nation No. 20813

Tribal enrollment of father Cher. full bd. 20812. Tribal enrollment of mother Cher. full bd. No. 20813

Postoffice Hulbert, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma
Cherokee County, District.

I, Katie Snake, on oath state that I am about 50 years of age and a citizen by blood, of the Cherokee Nation No. 20812; that I am the lawful wife of Swimmer Snake, who is a citizen, by blood, of the Cherokee Nation No. 20813; that a male [Male or Female] child was born to me on 22nd day of September 1904; that said child has been named Swimmer Snake and was living March 4, 1906, and is still living with me. My husband and the midwife who attended at the birth of Swimmer Snake are both dead. Katie Snake her mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1148 Newton St. Washington D.C.
R. L. Taylor Westville Ok.

Subscribed and sworn to before me this 15th day of November 1906

R. L. Harrison, Clerk
By A. Mills Deputy — Notary Public.

see letter re midwife - file here.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
..... District.

I, ..., a....., on oath state that I attended on ....., wife of ..... on the .....day of....., 1....., that there was born to her on said date a..... [Male or Female] child; that said child was living March 4, 1906, and is said to have been named .....

.....

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this .....day of ..... 1906.

.....
Notary Public.

OF INDIAN AFFA
RECEIVED
JUL 24 1913
90635

Muskogee, Oklahoma, December 10, 1910

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as a Cherokee citizen of Swimmer Snake, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-86.

Cher 11110
Lizzie Milo Sullateskee

Cher 11110

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Hulbert, Oklahoma, November 16, 1910.

90635

In the matter of the application for the enrollment as a Cherokee citizen of Lizzie Milo Sullateskee, deceased, whose name appears on the Eastern Cherokee roll, but does not appear on the final roll of the Commissioner to the Five Civilized Tribes.

Testimony taken before George Reed,
Clerk of the Commissioner of
Indian Affairs.

Charlotte Wall (nee Sullateskee), being first duly sworn testified as follows: Through United States Indian Policeman,, R. L. Taylor, Interpreter.

Q What is your name, age and postoffice address?
A Charlotte Wall, nee Sullateskee; about 25 years old; Hulbert
Q Are you an enrolled Cherokee citizen?
A Yes, full blood (Cherokee roll No. 18548) (18549)
Q Are you married or single? A Married.
Q What is your husband's name? A Jack Wall.
Q Cherokee citizen and enrolled?
A Yes (Cherokee roll No. 21617)
Q Have you a child enrolled? A No.
Q Have you a child not on the rolls? A Yes, one, but he is dead.
Q What was that child's name? A Lizzie Milo Sullateskee.
Q When was sheborn? A June 7; don't remember the year.
Q How old would Lizzie be if she were living at this time?
A Over six years old.
Q Wh n did she die? A August 20, three years ago.
Q How old was she when she died? A Over three years.
Q What doctor did you have when she was born? A Didn't have any only my mother, Annie Sullateskee.
Q What doctor did you have when she died? A Didn't have any; Doctored her ourselves, but she died.
Q Did you have a coffin for its burial? A Yes, my brother Watt Sullateskee made it.
Q Who was the father of Lizzie? A Milo Brady a white man.
Q Where is he now. A He went away when Lizzie was born. I never saw him since.
Q Were you married to him according to law? A No.
Q Did you ever make application for the enrollment of Lizzie?
A No.
Q Why? A I don't know.
Q Do you now wish to apply for the enrollment of Lizzie Milo, your child? A Yes.
Q Can you not in some way make the date of the birth of your child Lizzie, and of her death, a little more positive?
A No, that's just the way I remember it. I know that's right.
Q How do you know that's right? A Well, I just know it is. We talk about it and just remember it.

Witness excused.

Watt Sullateakee, being first duly sworn, testified as follows, through interpreter R. L. Taylor:

Q What is your name, age and postoffice?
A Watt Sullateakee, Hulbert, Oklahoma.
Q Are you the brother of Charlotte Sullateakee? A Yes.
Q Did your sister Charlotte have a child who is now dead?
A Yes.
Q Who was the father of that child? A A white man named Milo.
Q What was the child's name? A Lizzie Milo Sullateakee
Q When was this child born? A Don't remember the date.
Q How old would the child be if now living? A Six years past
Q When the child died did you make the coffin? A Yes.
Q Can you give me the day-- month and day when you made it?
A Three years last August the best I remember.
Q Have you any record of the date in a book? A No, that's all I know about it.

Witness excused.

Annike Sullateakee being first duly sworn testified as follows, through interpreter R. L. Taylor.

Q What is your name, age and postoffice address?
A Anike Sullateake, Hulbert, 68.
Q Are you an enrolled citizen of the Cherokee Nation?
A Yes (Cherokee roll No. 18548)
Q Are you the mother of Charlotte Sullateakee, now the wife of Jack Wall? A Yes.
Q Did Charlotte have a child before she married Jack Wall?
A Yes.
Q What was its name? A Lizzie Milo Sullateakee.
Q Who was the father of Lizzie? A Milo, a white man.
Q Did you wait on Charlotte when Lizzie was born? A Yes.
Q When was Lizzie born? A Seventh of July, six years ago.
Q Is Lizzie Milo now dead? A Yes.
Q When did she die? A Died about three years last august.
Q Was any doctor present when Lizzie died? A No.
Q Who was present ? A I was present.
Q Who made the coffin? A Watt Sullateakee.
Q How old would Lizzie be now if she were living?
A Six years old past.
Q Have you any record, or can you in any manner fix the dates of the birth and death of Lizzie more accurately ?
A No, only just my memory.

Witness excused.

I, S. A. Mills, hereby certify that the above and foregoing is a true and correct copy of my long hand notes taken in the above entitled case on November 16, 1910 at Hulbert, Okla.

S A Mills

Subscribed and sworn to before me this 1 day of December, 1910

R. P. Harrison
Clerk of the United States Court for the Eastern District of Oklahoma

By J H Brannon Deputy.

MEMORANDUM. 90635

Lizzie Mile Sullateskee, deceased, born June 7, 1904, living March 4, 1906 and died August 20, 1907,- illegitimate.

Name appears on Eastern Cherokee roll, No 25959, but not on F. C. T. roll.

Father- Mile Brady, a non citizen white man.

Mother - Charlotte Sullateskee Wall, Cherokee full blood, Roll No. 18549.

Witnesses- Nov. 16, 1910, mother, grandmother and brother to mother, who made the coffin for the dead child. Parents not married. The child was an illegitimate. The father "went away when Lizzie was born".

Watt Sullateskee testified that he was a brother of Charlotte, that he made the coffin for her child Lizzie Mile "three years ago last August" and that the child, if now living, would be "six years past".

Birth affidavit filed.

The illegitimate child takes the status of its enrolled mother, though there be no marriage of the parents.

It is recommended that Lizzie Mile Sullateskee, deceased, be enrolled as a minor 1/2 blood Cherokee.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Lizzie Mitchell Tullahassee deceased

as a citizen of

Arkokee Nation.

Approved..... 190...

.....

Commissioner.

re Miller Roll

BIRTH AFFIDAVIT. 199

90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Lizzie Milo Sullatesker born on the 7 day of June 1904
(Here insert name of child)

Name of Father: Milo Brady a non-white man citizen of the Cherokee Nation.

Name of Mother Charlotte Sullatesker Wall citizen of the Cherokee Nation No. 18549

Tribal enrollment of father not enrolled Tribal enrollment of mother Cher Full Bl. No. 18549

Postoffice Hulbert, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma
Cherokee County District. }

I, Charlotte Sullatesker Wall, on oath state that I am 25
years of age and a citizen by blood of the Cherokee Nation 18549
that I am now the lawful wife of Jack Wall, who is a citizen, by
blood of the Cherokee Nation, that a female (Male or Female) child was no. 21614
born to me on 7 day of June 1904 that said child has been named
Lizzie Milo Sullatesker and was living March 4, 1906 but died on
Aug. 20, 1907
now
Charlotte X Sullatesker Wall
mark

WITNESSES TO MARK:
[Must be Two Witnesses] { George Reed 1488 Newton St. Washington D.C.
R. L. Taylor Westville Okla

Subscribed and sworn to before me this 16th day of November 1906

R. P. Harrison, Clerk
By Allen, Deputy
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma
Cherokee County District. }

I, Amiker Sullatesker mother of Charlotte Sullatesker a midwife, on oath state that I
attended on Charlotte Sullatesker now wife of Jack Wall
on the 7 day of June 1904, that there was born to her on said date a female (Male or Female)
child; that said child was living March 4, 1906, and is said to have been named Lizzie Milo Sullatesker
but said child died on her
Aug. 20, 1907. Amiker X Sullatesker
mark

WITNESSES TO MARK:
[Must be Two Witnesses] { George Reed No. 1488 Newton St Washington D.C.
R. L. Taylor Westville Okla

Subscribed and sworn to before me this 16th day of November 1906

R. P. Harrison - Clerk
By Allen, Deputy
Notary Public.

OF INDIAN AFFA
JUL 24 1913
90635

Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as a Cherokee citizen of Lizzie Milo Sullatemkee, deceased, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-64

Cher IIIII

Grace Swimmer -

Cher IIIII

INDIAN AFF.
1913
90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as Cherokee Citizens, of Grace a Lincold Swimmer, who appear upon the Eastern Cherokee Roll opposite No.26175-6, and are shown to be not upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had at Kansas, Oklahoma, January 19, 1911, before Mr. S. A. Mills, on behalf of the Commissioner.

Examination by Mr. Mills:

Thomas Swimmer being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Thomas Swimmer; 29 years old; Kansas, Okla.

Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.# 20328)

Q What is the purpose of you appearing before me at this time? A For the purpose of making application for the enrollment of my children Grace and Lincoln Swimmer.

Q Who is the mother of these children? A My wife Charlotte Swimme She was Charlotte Turtle before we were married. (F.C.R.#20322)

Q Have you ever made application for the enrollment of these childre heretofore before the Dawes Commission? A No sir.

Q Why not? A I just could not get to it.

Q When was your child Grace born? A She was born September 5, 1904

Q When was your son Lincoln born? A Lincoln was born January 10, 1 1906.

Q Have you a written record of that event? A Yes.
Here witness submits sheet of paper upon which is shown written in english:
"Grace Swimmer, born September 5, 1904
Lincoln Swimmer was born January 10, 1906 and died Nov. 12, 1909."
"Bessie Swimmer was born December 23, 1908".

Q Who made that record? A I did myself.

Q When was it made? A At the time the children were born and died.

Q Where is your daughter Grace now? is she alive? A Yes sir; here she is (indicating the Child.)

Q Is your son Lincoln alive or dead? A He is dead.

Q It is a fact then that he was aliveon March 4, 1906? A Yes.

Q Who was present when these children were born? A Nellie Blackfox attended upon Lincoln, Celia Fields attended upon Grace, she is dead now.

Q Did you bring Nellie Blackfox with you to testify as to the date of the birth of Lincoln? A No; she is a Night Hawk and would not come.

Q Who else was present? A Fannie O'Field came in after Lincoln and Grace were born.

Q Was you present when both these children were born? A Yes sir.

Q Who is your child grace living with? A She is living with me.

Charlotte Swimmer being first duly sworn testifies as follows:
Q State your name, age and post Office address? A Charlotte Swimme 28 years old; Kansas, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#30322)
Q Are you the wife of Thomas Swimmer, who just testified? A Yes.
Q Are you the mother of Grace and Lincoln Swimmer, the children of Thomas Swimmer? A Yes.
Q Where xxx is your child Grace now? A Here she is (indicating the child).
Q When was Grace born? A September, 5, 1904.
Q When was Lincoln born? A Born Jan. 10, 1905.
Q Where is he now? A He is dead.
Q When did he die? A Nov. 12, 1909.
Q Then it is a fact that he was alive on March 4, 1906? A Yes sir.
Q Who was present when Grace was born? A Celia Fields; she is dead now.
Q Who was present when Lincoln was born? A Nellie Blackfox.
Q Where is she? A She would not come to testify because she is a Night Hawk.
Q Who else knows as to the date of the birth of your children Grace and Lincoln? A Fannie O'Field, she came in after they were born.
Q Do you know whether or not any application has been made heretofor for the enrollment of your children Grace and Lincoln? A No; I do not know.

Fannie O'Fields being first duly sworn testifies as follows:
Q State your name, age and post Office address? A Fannie O'Fields; 29 years old; Kansas, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#18625)
Q Are you well acquainted with Thomas Swimmer and his wife Charlotte A Yes sir.
Q Do you know their children grace and Lincoln Swimmer? A Yes sir; Lincoln is dead.
Q Was you present when they were born? A No; but I saw them just after they were born.
Q When were they born? A I have not got the dates set down of the births of either of those children, but the father and mother have a Family Record of the birth of those children.
Witness is shown Family Record of children and identified as correct date of the birth of Grace and the birth of Lincoln Swimmer.
Q Where is Grace now? A She is living with her parents.

Grace waspresent andappeared to be of the age and blood claimed.

W. E. Foltz, being first duly sworn, states that the aboveand foregoing is a true and correct transcript of his stenographic notes taken in this case.

W. E. Foltz

Subscribed and sworn to before me on this 23rd day of January, 1911.

Edward Morris
Notary Public.

Cher. J. 154

90635

MEMORANDUM

a. Grace Swimmer, P. O. Kansas, Oklahoma, on Eastern Cherokee Roll No. 26175 not on F. C. T. Rolls, born September 5, 1904, produced at the hearing and appeared to be of the age and blood claimed.

b. Lincoln Swimmer, P. O. Kansas, Oklahoma, on Eastern Cherokee Roll No. 26176, not on F. C. T. Rolls, born January 10, 1906, died November 12, 1909, living on March 4, 1906.

c. Bessie Swimmer, born December 23, 1908, not living March 4, 1906, not entitled.

Father -- Thomas Swimmer, Cherokee full blood, No. 20328.

Mother -- Charlotte Swimmer, enrolled as Charlotte Turtle Cherokee full blood, Roll No. 20322.

Recommended that Grace Swimmer be enrolled as a minor full blood Cherokee.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR, 90635

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Grace Swimmer [Here insert name of child] born on the 5th day of September 1904.

Name of Father: Thomas Swimmer a citizen of the Cherokee Nation.

Name of Mother: Charlotte Swimmer a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll No. 20328 Tribal enrollment of mother Cherokee Roll No. 20322

Postoffice Kansas Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I, Charlotte Swimmer, on oath state that I am 28 years of age and a citizen by blood, of the Cherokee Nation; that I am the lawful wife of Thomas Swimmer, who is a citizen, by born, of the Cherokee Nation; that a Female [Male or Female] child was born to me on 5th day of September 1904.; that said child has been named Grace Swimmer and was living March 4, 1906, and is now alive and living with me.

Charlotte Swimmer her mark

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 19th day of January 1906.

R. B. Harrison - Clerk
By ..... - Deputy

..... Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I, Fannie O'Field, a ....., on oath state that I attended on Charlotte Swimmer, wife of Thomas Swimmer on the 5th day of September 1904. ; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Grace, and she is now alive and living with her parents.

Fannie O Fields
Final Roll No 18625

WITNESSES TO MARK:

[Must be Two Witnesses] .....
.....

Subscribed and sworn to before me this 19th day of January 1906.

R. B. Harrison - clerk
By ..... - Deputy

..... Notary Public.

BIRTH AFFIDAVIT. AND

90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT as a citizen of the Cherokee Nation,

of Lincoln Lemmons, Female born on the 10th day of January 1916.
[Here insert name of child]

Name of Father: Thomas Lemmons a citizen of the Cherokee Nation.

Name of Mother: Charlotte Lemmons a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll No. 24325 Tribal enrollment of mother Cherokee Roll No. 3322 D0322

Postoffice Kansas Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, State of Oklahoma
Delaware County } District.

I, Charlotte Lemmons on oath state that I am 28 years of age and a citizen by blood of the Cherokee Nation; that I am the lawful wife of Thomas Lemmons who is a citizen, by blood of the Cherokee Nation; that a Male child was born to me on the 10th day of January 1916; that said child has been named Lincoln Lemmons and was living March 4, 1906, and is now living. She is now dead. Died November 12, 1916.

Charlotte Te Lemmons her Thumb Mk.

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 19th day of January 1916

R P Norman - Clerk
By A Ellis - Dept. Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA, Indian Territory,
..... District.

I, Fannie O'Fields a Physician on oath state that I attended on Charlotte Lemmons wife of Thomas Lemmons on the 10th day of January 1916 when there was born to her on said day a Male child; that said child was living March 4, 1906, and is said to have been named Lincoln Lemmons but it is now dead. Died Nov 12, 1916

Fannie O Fields
Enrolled Roll No 19625

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 19th day of January 1916

R P Norman - Clerk
By A Ellis - Dept. Notary Public.

Cher 11112 Betsy Tadpole

Cher 11112

DEPT. OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

-5-

Department of the Interior.
Commission to the Five Civilized Tribes.
January 5, 1911.

In Re application for enrollment as citizens of the Cherokee Nation of Betsy and Lizzie Tadpole, who appear upon the Eastern Cherokee Roll opposite numbers 26218 and 26219, but are not shown to be upon the Final Roll of the Five Civilized Tribes.

Polly Tadpole, being first duly sworn, testified as follows:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q State your name, age and post-office address? A Polly Tadpole, age seventy-five years; post-office, Chouteau, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes . (Cherokee Roll #23360)
Q Do you know one Tiger Tadpole? A Yes, he is my son.
Q Is he an enrolled Cherokee citizmen? A Yes, sir. (Cherokee Roll #6269)
Q What is his wife's name? A Sallie Tadpole.
Q Is she an enrolled Cherokee citizmen? A Yes, (Cherokee Roll #6270)
Q Do you know their children, Betsy and Lizzie Tadpole? A Yes; they are my grand-children.
Q Were you present when these children, Betsy and Lizzie, were born? A Yes, I waited on their mother.
Q How old is Betsy? A About six or seven years old.
Q How old is Lizzie? A Between five and six years old.
Q Where are Betsy and Lizzie now? A They are living with their father and mother.

Tiger Tadpole, being first duly sworn, testified as follows:

Q State your name, age and post-office address? A Tiger Tadpole, age about forty-four years o;d; post-office address Chouteau, Oklahoma.
Q Are you an enrolled Cherokee citizmen? A Yes, sir. (Cherokee #6269)
Q Have you a wife and family? A Yes.
Q What is your wife's name? A Sallie Tadpole.
Q Is she an enrolled Cherokee citizn? A Yes, sir. (Cherokee Roll #6270)
Q What other members of your family are there?
A Annie, the wif3e of Frank Pumpkin, Betsy and Lizzie.
Q Are they enrolled Cherokee citizens? A Annie is, but Betsy and Lizzie are not.
Q When was Betsy born? A March 17, 1903.
Q Have you a written record of the date of the birth of Betsy?
A No.
Q When was Lizzie born? A May 8, 1906.

Q Have you a written record of her birth? A No.
Q How do you fix the dates of the birth of Betsy and Lizzie so positively without a written record? A Just by my memory.
Q Have you ever made application for the enrollment of these children before the Dawes Commission? A Yes, in September of last year.
Q What did they tell you when you made application? A They told me they would write me and let me knew about it.
Q Have they ever written you or given you any information about it? A No; nothing until now that you have called.
Q Who was present when these children were born? A My mother, Polly Tadpole.

o--- - - - - - - - - -

Sallie Tadpole, being first duly sworn, testified as follows:

Q State your name, age and post-office address? A Sallie Tadpole, about thirty-eight years old, Choutesu , Okla.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #6270)
Q Are you the wife of Tiger Tadpole? A Yes, sir.
Q Are you the mother of Betsy and Lizzie Tadpole? A Yes+
Q How old is your daughter, Betsy? A seven years old.
Q How old is your daughter Lizzie? A Five years and past.
Q When was lizzie born--when was she five years old? A Next May she will be six years old
Q When was Betsy born? A She will be eight years old the 17th of next March.
Q Where is Betsy and Lizzie now? A Here they are. (Indicating the children)
Q Who waited upon you at the birth of these children? A My mother-in-law, Polly Tadpole, the mother of my husband.

- - - - - - - - - - -

Note: Children were present, and had the appearance of being of the age and blood claimed.

W. H Byrd, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

- - - - - - - - - - W H Byrd

Subscribed and sworn to before me on this the 4th day of January, 1911.

R. F. Harrison
Clerk
by
O M Bynum Deputy

90635

Cher. J. 161

MEMORANDUM.

Betsy Tadpole, minor full blood Cherokee, born March 17,1903, Eastern Cherokee roll No. 26218.

Lizzie Tadpole, minor full blood Cherokee, born May 8, 1905, Eastern Cherokee roll No. 26219, neither of whom are enrolled on F. C. T. roll. Children present Jan 25. 1911 and appeared to be of the age and blood claimed.

Father- Tiger Tadpole, P. O. Choteau, Okla., Cherokee full blood roll No. 6269.

Mother- Sallie Tadpole, Cherokee full blood, Roll No. 6270.

Annie Tadpole, No. 6271,14 yrs. full blood Cherokee, is sister to above named applicants.

Previous application for enrollment of Betsy & Lizzie Tadpole made by father in September 1910.

Witness- father, mother and grandmother Polly Tadpole of Choteau, Okla. mother of the father Tiger Tadpole who was present at the birth of the two children, Betsy and Lizzie Tadpole.

Birth affidavit also filed.

Recommended that Betsy Tadpole and Lizzie Tadpole be enrolled as full blood minor Cherokees.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES 80635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Liggie Padfole [Here insert name of child] born on the 8th day of May 1905

Name of Father: Tiger Padfole a citizen of the Cherokee Nation.

Name of Mother Sallie Padfole a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee, Roll #6469 Tribal enrollment of mother Cherokee, Roll #6470

Postoffice Choteau - Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~ State of Oklahoma,
Mayes County ~~District~~.

I, Sallie Padfole, on oath state that I am 38 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of Tiger Padfole, who is a citizen, by Blood of the Cherokee Nation; that a Female [Male or Female] child was born to me on 8th day of May 1905; that said child has been named Liggie Padfole and was living March 4, 1906. ~~by~~ is now alive by living with me

Sallie her X Padfole
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { Wm Boyd Tahlequah Okla
S Gillilee Muskogee Okla

Subscribed and sworn to before me this 5th day of January 1906

R. P. Harrison - Clerk
By S Gillilee Deputy ~~Notary Public~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~ State of Oklahoma,
Mayes County ~~District~~.

I, Polly Padfole a midwife, on oath state that I attended on Sallie Padfole, wife of Tiger Padfole on the 8th day of May 1905; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Liggie Padfole ~~who~~ is now alive by living with its parents

Polly her X Padfole
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { Wm Boyd Tahlequah Okla
S Gillilee Muskogee Okla

Subscribed and sworn to before me this 5th day of January 1906

R. P. Harrison - Clerk
By S Gillilee - Deputy ~~Notary Public~~

Copy

Office of Indian Affairs
Received Jul 2nd, 1913
90635

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Lizzie Tadpole [Here insert name of child], born on the 8th day of May 1905
Name of Father: Tiger Tadpole a citizen of the Cherokee Nation
Name of Mother: Sallie Tadpole a citizen of the Cherokee Nation
Tribal enrollment of father Cherokee Bl 7269 Tribal enrollment of mother Cherokee Bl 6270
Postoffice Choteau, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, State of Oklahoma
Mayes County [District]
I, Sallie Tadpole on oath state that I am 38 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of Tiger Tadpole who is a citizen, by Blood of the Cherokee Nation; that a Female [White or Female] child was born to me on 8th day of May 1905; that said child has been named Lizzie Tadpole and was living March 4, 1906 and is now alive and living with me. Sallie her X Tadpole mark

WITNESSES TO MARK:
[Must be Two White Persons] W. H. Byrd, Tahlequah, Okla.
S. G. Mills, Muskogee, Okla.

Subscribed and sworn to before me this 5th day of January 1910
Seal
R. T. Harrison, Clerk [Notary Public]
By S. G. Mills, Deputy

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA, State of Oklahoma
Mayes County [District]
I, Polly Tadpole a midwife on oath state that I attended on Sallie Tadpole who is Tiger Tadpole on the 8th day of May 1905; that there was born to her on said date a Female [White or Female] child; that said child was living March 4, 1906, and is said to have been named Lizzie Tadpole who is now alive and living with its parents. Polly her X Tadpole mark

WITNESSES TO MARK:
[Must be Two White Persons] W. H. Byrd, Tahlequah, Okla
S. G. Mills, Muskogee Okla.

Subscribed and sworn to before me this 5th day of January 1911
Seal
R. T. Harrison - Clerk [Notary Public]
By S. G. Mills, [illegible]

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Lizzie Tadpole, born on the 8th day of May 1905
[Here insert name of child]
Name of Father: Tiger Tadpole a citizen of the Cherokee Nation
Name of Mother: Sallie Tadpole a citizen of the Cherokee Nation
Tribal enrollment of father Cherokee Bl. 6269 Tribal enrollment of mother Cherokee Bl. 6270
Postoffice Choteau, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Mayes County ~~District.~~

I, Sallie Tadpole, on oath state that I am 38 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of Tiger Tadpole, who is a citizen, by Blood of the Cherokee Nation; that a Female [Male or Female] child was born to me on 8th day of May 1905; that said child has been named Lizzie Tadpole, and was living March 4, 1906 and is now alive and living with me. Sallie her X Tadpole mark

WITNESSES TO MARK:
[Must be Two Witnesses] W. H. Byrd, Tahlequah Okla.
S. A. Mills, Muskogee, Okla.

Subscribed and sworn to before me this 5th day of January 1906

Seal

R. P. Harrison, Clerk
~~Notary Public~~
By S. A. Mills, Deputy

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Mayes County ~~District.~~

I, Polly Tadpole a midwife, on oath state that I attended on Sallie Tadpole, wife of Tiger Tadpole, on the 8th day of May 1905, that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Lizzie Tadpole who is now alive and living with its parents. Polly her X Tadpole mark

WITNESSES TO MARK:
[Must be Two Witnesses] W. H. Byrd, Tallequah, Okla
S. A. Mills, Muskogee Okla.

Subscribed and sworn to before me this 5th day of January 1906

Seal

R. P. Harrison - Clerk
~~Notary Public.~~
By S. A. Mills Deputy.

Copy

Office of Indian Affairs
Received Jul 2 11 1903
7166 55

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Betsy Tadpole, [Here insert name of child] born on the 17th day of March 1903
Name of Father: Tiger Tadpole a citizen of the Cherokee Nation
Name of Mother: Sallie Tadpole a citizen of the Cherokee Nation.
Tribal enrollment of father Cherokee Roll #6269 Tribal enrollment of mother Cherokee Roll #6270
Postoffice Choteau, Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Mayes County District.
I, Sallie Tadpole on oath state that I am 38
years of age and a citizen by Blood of the Cherokee Nation;
that I am the lawful wife of Tiger Tadpole, who is a citizen, by
Blood of the Cherokee Nation; that a Female [Male or Female] child was
born to me on 17th day of March 1903; that said child has been named
Betsy Tadpole and was living March 4, 1906 and is now
alive and living with me. Sallie her X mark Tadpole

WITNESSES TO MARK:
[Must be Two Witnesses] W. H. Byrd, Tahlequah Okla.
S. A. Mills, Muskogee, Okla.

Subscribed and sworn to before me this 5th day of January 1904.
Seal
R. P. Harrison, Clerk
By S.A. Mills - deputy ~~Notary Public~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Mayes County District.
I, Polly Tadpole, a midwife, on oath state that I
attended on Sallie Tadpole, wife of Tiger ~~Tadpole~~
on the 17th day of March 1903; that there was born to her on said date a Female [Male or Female]
child; that said child was living March 4, 1906, and is said to have been named Betsy Tadpole and
she is now alive, living with her parents Polly her X mark Tadpole

WITNESSES TO MARK:
[Must be Two Witnesses] W. H. Byrd, Tahlequah Okla.
S. A. Mills, Muskogee Okla.

Subscribed and sworn to before me this 5th day of January 1904
Seal
R. P. Harrison - Clerk
By S. A. Mills, Deputy ~~Notary Public~~

BIRTH AFFIDAVIT. 199

90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Betsy Padgett [Here insert name of child] born on the 17th day of March 1903.

Name of Father: Tiger Padgett a citizen of the Cherokee Nation.

Name of Mother Sallie Padgett a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll #6269 Tribal enrollment of mother Cherokee Roll #6270

Postoffice Choteau. Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma

Mayes County ~~District.~~

I, Sallie Padgett, on oath state that I am 38 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful wife of Tiger Padgett, who is a citizen, by Blood, of the Cherokee Nation; that a Female [Male or Female] child was born to me on 17th day of March 1903; that said child has been named Betsy Padgett and was living March 4, 1906. and is now alive and living with me.

Sallie X Padgett
Mark

WITNESSES TO MARK:

[Must be Two Witnesses] { William P. Tahlequah Okla
A. Gillilee Muskogee Okla

Subscribed and sworn to before me this 5th day of January 1906

R. P. Harrison Clerk
By A. Gillilee Deputy ~~Notary Public.~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma

Mayes County ~~District~~

I, Polly Padgett, a midwife, on oath state that I attended on Sallie Padgett, wife of Tiger Padgett on the 17th day of March 1903. that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Betsy Padgett, and she is now alive living with her parents.

Polly X Padgett
Mark

WITNESSES TO MARK:

[Must be Two Witnesses] { William Bond Tahlequah Okla
A. Gillilee Muskogee Okla

Subscribed and sworn to before me this 5th day of January 1906

R. P. Harrison Clerk
By A. Gillilee Deputy ~~Notary Public.~~

Cher 11113

Eliza Tehee

Cher 11113

Department of the Interior.

Commissioner to the Five Civilized Tribes.

Sallisaw, Oklahoma, December 17, 1910.

In re enrollment as Cherokee Citizen of Eliza Tehee, as shown upon the Eastern Cherokee Roll opposite Roll No.26563, and shown not to be upon the rolls of the Five Civilized Tribes.

Interpreted by Thomas P. Roach, official interpreter, of Muskogee, Okla.

Examination by Mr. S. A. Mills on behalf of the Commissioner:

Charlie Tehee being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Charlie Tehee, age 48, Row, Okla.

Q Are you an enrolled Cherokee Citizen? A Yes Sir. (SeeF.C.R.# 20347)

Q Was Cherokee City, Ark. ever your post office? A Yes Sir, Cherokee City, Ark. was my post office when I made application for the Eastern Cherokee Payment, but my post office now is Row, Okla.

Q What is your wife's name, if you have one? A Lizzie Tehee. (See F.C.R.#20348))

Q Have you any children who have been enrolled Cherokee Citizens? A Yes, they have been enrolled.

Q What are their names? A Mary and George. (See F.C.R.#20349 and 20350)

Q Have you a grand child named Eliza? A Yes Sir.

Q Has this grand child Eliza been enrolled a Cherokee Citizen? A No Sir.

Q Who is the mother of your grand-child Eliza? A Mary Tehee, my daughter. (See F.C.R.# 20349)

Q Who is the father of your grand-child Eliza Tehee? A I don't know.

Q Was your daughter Mary Tehee, the mother of this your grand-child, and the father of Eliza Tehee married? A No Sir.

Q Is this grand child Eliza now living? A Yes, at home and in bed sick; she is living with me, I am raising her.

Q Is the mother of Eliza now living? A Yes Sir, she is at home with me, waiting on my wife and the child Eliza, both are awfully sick.

Here witness submits affidavit setting forth that Mary Tehee and child Eliza Tehee are sick and unable to attend this investigation.

Q How old is this your grandchild Eliza? A She will be six years old the 4th of next March.

Q What year, month and day of the month was Eliza born? A 4th day of march 1906.

Q Have you a family record or any record showing the date of the birth of your grand-daughter Eliza forwhom you are now making application for enrollment? A No Sir.

Q How do you fix the date so positively to be March 4th, 1906 to be the date of her birth in the absence of a record? A I fix the date from the fact that this child Eliza was born just one month exactly before the death of my mother who died on April 5th, 1906.

At the time that the child was born my father and mother were both very ill and I remember well that it was while going for medicine for them that when I returned the child had been born and just one month from that day my mother died and the tomb stone over my mothers grave will show that she died April 5th, 1905.

Q Where is that grave-yard where that tomb stone can be found? A The Henry Beck graveyard, one mile from Row.

Q You have submitted an affidavit purported to have been signed by Mary Tehee by her mark, properly witnessed and acknowledged, dated Dec. 16, 1910, that she is very sick as is also the child Eliza and they are unable to appear at this time. Said affidavit further sets out that the child Eliza was born on the 4th day of March.1906. What have you to say as to the discrepancy as to that date and the date given by you? A I cannot read or write and didn't know of the error of the Notary until my attention was called to it here.

Q Then the date in the affidavit is an error where it states that the child was born March 4, 1906 and should have stated that the child was born March 4, 1905. A Yes Sir, that is the way it was

Q Can Mary Tehee, the affiant in this affidavit, read or write? A No sir.

Q Then both the affiant and yourself relied upon the Notary who you say drew the affidavit, as to the dates inserted therein? A Yes, the Notary drew it up and made the mistake.

Q Who was present at the birth of this your grand-child Eliza? A Harriet Burgin.

Q Is she present at this hearing? A Yes sir.

Q Did you draw Eliza's share of the Eastern Cherokee Payment? A Yes.

Q I note that you state that your wife's name was Lizzie Tehee, whereas the Eastern Cherokee Roll shows it to be Leese? A Leese is her Indian name and Lizzie is her English name.

Q Has application ever heretofore been made for the enrollment of your grand-child Eliza before the Dawes Commission? A No sir.

Q Why not? A Because we were Nighthawks and didn't believe in the enrollment and allotment of lands at that time.

Harriett Burgin being first duly sworn testifies as follows:

Q State your name, age and post office address? A My name is Harriett Burgin, age 60 the 6th of next March, P. O. Row, Okla.

Q Are you an enrolled Cherokee Citizen? A No Sir.

Q Are you well acquainted with Charlie Tehee and his family? A Yes.

Q Do you know his daughter Mary? A Yes Sir.

Q Do you know Eliza Tehee? A Yes sir, a daughter of Mary and a grand-child of Charlie Tehee.

Q Do you know the father of Eliza Tehee? A No sir, I do not.

Q Did you wait upon Mary Tehee at the time Eliza Tehee was born? A Yes Sir.

Q Are you a midwife? A Yes Sir.

Q How old is this Eliza Tehee? A She will be six years old the 4th day of next march.

Q How do you fix the date to be the 4th day of March 1905 in the absence of any record? A Because it was two days sooner than my birthday and I said if she had been two days later we would have a birthday party. I was 54 years old at the time this child was born and I will be 60, which makes it six years.

Q When did you see this child Eliza last?A:About a month ago.

Q Where is Eliza now? A I cannot say where she is now, but her mother said yesterday she was at home, sick.
Q Are you in any way related to or interested in this family? No sir, I just acted as midwife.
Q Where is this child Eliza now living? A Living with her grandfather, Charlie Tohee.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in said case.

W. E. Foltz

Subscribed and sworn to before me on this 4th day of January, 1911.

R. P. Harrison, Clerk,

By Edward McGinn
Deputy.

OCT 24 1913

64. 90635

Eliza Tehee, Eastern Cherokee, roll No. 26863, not found on P. C. T. rolls. Born March 4, 1906, still living, sick in bed at home of grandfather who is raising her- illegitimate.

Father- unknown.

Mother- Mary Tehee, full blood Cherokee, roll No. 20349.

Witnesses, Dec. 17, 1910, Grandfather, Charlie Tehee, roll No. 20347, testified that the child is the issue of his daughter Mary Tehee by an unknown man. Discrepancy as to date of birth (March 4, 1906) given in the affidavit of mother explained as the mistake of the notary and grandfather and midwife are positive the child was born March 4, 1906 instead of March 4, 1906 and the Eastern Cherokee roll shows Eliza Tehee to have been 5/6 year old on May 25,1906.

Recommended that Eliza Tehee be enrolled as a minor Cherokee by blood.

OFFICE OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

Land-
Allotments
G R

Requests report.

JAN 28 1911

The Commissioner FOR FILE

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

For use in consideration of an application for the enrollment of Eliza Tehee, Eastern Cherokee roll No. 26565, you are requested to examine census card No. 6606 of Eliza Tehee, roll No. 28306 final approved roll of Cherokee citizens, and ascertain the post office address, age of applicant and names of her parents.

Please make special.

Respectfully,

(Signed) John Francis, Jr.

Chief Land Division.

1-MBS-28

(COPY)
DHB

Dept. 243-1911.

Cherokee Enrollment Claim.

Office of Indian Affairs
Received Feb 9-1911
11157

Office of Indian Affairs
Received Feb 4-1911

WSDM

Muskogee, Oklahoma, January 31, 1911.

The Honorable

Commissioner of Indian Affairs.

Sir:

I have the honor to acknowledge receipt of letter of your office, dated January 28, 1911 (Land Allotments G R), requesting that you advised as to the postoffice address, age and names of parents of Eliza Tehee, Cherokee Roll No. 28306.

In reply you are advised that Eliza Tehee appears from the records of this office to have been the daughter of Alex Tehee and Lydia Wyly, of Maysville, Arkansas; her age was given as nine months on October 24, 1901.

You are further advised that on September 3, 1904, affidavit was filed in this office showing the death of the said Eliza Tehee as having occurred in April, 1904.

Respectfully,

Thos. Ryan

Acting Commissioner.

WSDM(LS)

Lpop

Cher 11114
Rebecca Thompson

Cher 11114

Department of the Interior.
Commission to the Five Civilized Tribes.
December 13, 1910.

In Re Application for Enrollment as a citizen of the Cherokee Nation of Rebecca Thompson, by Thomas P. Roach, next friend, who it appears is upon the Eastern Cherokee Roll opposite #26919, but not upon the Final Roll of the Five Civilized Tribes.

- - - - - - - - -

Thomas P. Roach, being first duly sworn, testified as follows:

EXAMINATION BY S. A. MILLS ON BEHAF OF THE COMMISSION:

Q State your name, age and post-office address? A Thomas P. Roach, Twenty-eight years old; post-office, Muskogee, Oklahoma, Union Agency.
Q What is your occupation? A Indian Policeman and Interpreter.
Q Are you an enrolled Cherokee citizen? A Yes. (Chrokee Roll #16592)
Q Do you know William Thompson, a Cherokee citizen? A Yes.
Q Do you know Eve Thompson? A Yes, sir.
Q Are they know and considered as Cherokee citizens? A Yes.
Q Are they enrolled as such? A Yes. (Cherokee Roll #25917 and #25918)
Q What is their post-office address? A Whitmire, Okla.
Q Do you know of they have a child named Rebecca Thompson? A Yes, sir.
Q Is that child a full-blood Cherokee Indian? A Yes, sir.
Q Do you know if that child is enrolled or not as such? A I don't think so.
Q What is the purpose of your appearance here? A For the purpose of making an application for the enrollment as a citizen of the Cherokee Nation of Rebecca Thompson, the daughter of William and Eve Thompson, who it appears from an examination of the Final Rolls of the Five Civilized Tribes, and information obtained from conversing with the parents of Rebecca Thompson that she has been omitted from the Final Rolls.
Q Why, if you know, has no application heretofore been made by the parents of Rebecca Thompson for her enrollment? A Because they are Nighthawks and are opposed to enrollment, and I have conversed with them and urged upon them the necessity of making an application, but they refused to do so, stating that they were opposed to enrollment, as they expected that the old laws and conditions as instituted prior to tribal enrollment toagain return, and there was no necessity for any enrollment.
Q How old is this child Rebecca? A In conversing with the parents they informed me that she was born on January 3, 1900, and from her appearance, the child seems to be of that age.

Q Is this child now living? A Yes, living with its parents, near Whitmire, Oklahoma.

Note: The parents of Rebecca Thompson were called upon, but they refused to give any information whatever; however, the child was seen and from its every appearance seemed to be of the age and blood claimed.

- - - - - - - - - - - - -

W. H. Byrd, being first duly sworn, ~~xxxx~~ states that the above and foregoing is a true and correct transcript of his stenographic notes taken in said case.

W. H. Byrd

Subscribed and sworn to before m on this the 3 day of December, 1918.

R. P. HARRISON Clerk

P. A. American Dist. Ct.

(Over)

Office of Indian Affairs
Received Jul 24 1913
90635

Cher. 3. 124.

Rebecca Thompson, P. O. Whitmire, Oklahoma, on eastern Cher. roll No. 6819, but not on W. Div. T. roll, born January 3, 1900, still living with the parents who are rightfully, opposed to enrollment and refuse to give any information, child been and arranged to be of the age and blood claimed.

Father, William Thompson, Cher. Roll. No. 6817-full blood.

Mother, Eve Thompson, Cher. roll No. 6818-full blood.

Witness, Thomas I. Roach, Interpreter, Union Agency, Muskogee, Oklahoma.

Recommended that Rebecca Thompson be enrolled as a minor Cherokee full blood.

(COPY)

Cher. J. 124.

MEMORANDUM.

Rebecca Thompson, P. O. Whitmire, Oklahoma, on Eastern Cher. roll No. 26919, but not on E. Civ. T. rolls, born January 3, 1900, still living with its parents who are nighthawks, opposed to enrollment and refuse to give any information, child seen and appeared to be of the age and blood claimed. Dec. 13, 1910

Father, William Thompson, Cher. Roll. No. 25817-full blood.

Mother, Eve Thompson, Cher. roll No. 25918-full blood.

Witness, Thomas P. Roach, Interpreter, Union Agency, Muskogee, Oklahoma.

Recommended that Rebecca Thompson be enrolled as a minor Cherokee full blood.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Rebecca Thompson [Here insert name of child] born on or about the 3d day of January, 1900

Name of Father: William Thompson a citizen of the Cherokee Nation.

Name of Mother: Eve Thompson a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll #2917 Tribal enrollment of mother Cherokee Roll #2918

Postoffice Whitmire, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, } ~~I was forewarned and then warned to~~ apear or give any information in ~~said~~ case where applied to
District. }

I, , on oath state that I am years of age and a citizen by , of the Cherokee - full Indian Nation; that I am the lawful wife of Chas. T. Pace - who will make application for the child. — who is a citizen, by , of the Nation; that a child was [Male or Female]

born to me on day of 1; that said child has been named

and was living March 4, 1906.

WITNESSES TO MARK:

[Must be Two Witnesses] { ,
,

Subscribed and sworn to before me this day of 1906.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
District. }

I, , a , on oath state that I attended on , wife of on the day of, 1; that there was born to her on said date a [Male or Female] child; that said child was living March 4, 1906, and is said to have been named

WITNESSES TO MARK:

[Must be Two Witnesses] { ,
,

Subscribed and sworn to before me this day of 1906.

Notary Public.

Cher 11115

John Tinoowie

Cher 11115

Office of Indian Affairs
Received Jul 24 1913
90636

(COPY)

Office of Indian Affairs
Received Feb 10 1911
11629

Department of the Interior,
Commission to the Five Civilized Tribes,
Going Snake C. H., Indian Territory, May 21, 1902.

In the matter of the application for the enrollment of Oo-ya-tuck Ti-noo-wie, his wife, and three children, as citizens, by blood, of the Cherokee Nation:

Oo-ya-tuck Ti-noo-wie, appearing before the Commission and being duly sworn and examined, testified, through George Crittenden, regularly sworn interpreter, as follows:

Q What is your name? A Oo-ya-tuck Ti-noo-wie.
Q How old are you? A 56, I think.
Q What is your post office address? A Stilwell.
Q What district do you live in? A Going Snake.
Q Do you wish to enroll a wife and some children as well as yourself?
A Yes, sir.
Q What was the name of your wife? A Nannie or Nan.
Q How old is Nannie? A 30
Q Are you and she living together at this time? A Yes, sir.
Q What are the names of your children? A The oldest one is named Jennie or Jane.
Q How old is Jennie? A 11.
Q What is the name of the next one? A Mary.
Q How old is Mary? A 5.
Q What is the name of the next one? A Quar-le-yuke.
Q How old is Quar-le-yuke? A 2 years old.
Q Are you a full-blood Cherokee? A Yes, sir.
Q Is your wife a full-blood? A Yes, sir.
Q Have you and your wife always been recognized as citizens by the tribal authorities of the Cherokee Nation? A Yes, sir.
Q What was the name of your father? A Tinnoo-wie.
Q Is he living or dead? A Dead.
Q Was he a Cherokee by blood? A Yes, sir.
Q What was the name of your mother? A Takey, don't know whether she had any English name or not.
Q Is she living? A No, sir, dead.
Q Was she a Cherokee by blood? A Yes, sir.
Q Who was your wife's father? A The name was Fishinghawk.
Q Is he living or dead? A Dead.
Q Was he a Cherokee by blood? A Yes sir.
Q What was the name of your mother? A Darkey.
Q Is she living or dead? A Dead.
Q Wasn't your wife's father named Fishinghawk Fourkiller? A Yes, sir.
Q Are you the father and is Nannie the mother of these three children whose names you have given? A Yes, sir.
Q Have you and your wife and these three children lived all your lives in the Cherokee Nation? A Yes, sir.
Q Are you all living in the Cherokee Nation at this time? A Yes, sir.
Q Did they ever call you Naked Ti-noo-wie? A Yes, sir.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and the applicants identified thereon, as follows:
Oo-ya-tuck Ti-noo-wie, on page 482, #1801, Going Snake District as Naked Too-noo-wee, native Cherokee, 14 years of age:
Nannie Ti-noo-wie, on page 455, #727, Going Snake District, as Nannie Fourkiller, native Cherokee, 7 years of age.

The 1896 census roll of citizens of the Cherokee Nation examined and the applicant identified thereon, as follows:
Oo-ya-tuck Ti-noo-wie, on page 799, #2190, Going Snake District, native Cherokee, 50 years of age;
Nancy Ti-noo-wie, on page 799, #2191, Going Snake District, native Cherokee, 25 years of age;
Jennie Ti-noo-wie, on page 799, #2192 Going Snake District, native Cherokee, 6 years of age;
Mary Ti-noo-wie, on page 799, #2193, Going Snake District, native Cherokee, 1 year of age.

Commission: Oo-ya-tuck Ti-noo-wie states that he, his wife Nannie and their three children, Jennie, Mary and Quar-le-yuke, are living in the Cherokee Nation at this time and have lived here all their lives.

They are all identified upon the tribal rolls as indicated in the testimony, except Quar-le-yuke, who is too young to be upon any roll; the Commission should be supplied with an affidavit as to the birth of this child.

This record will be forwarded to the Commission at Muskogee and Oo-ya-tuck Ti-noo-wie, his wife and their three children will be properly listed.

ooo

I, A. R. Cheever, being duly sworn, state that as stenographer to the commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings had in this case, and that the forgoing is a true and complete transcript of my stenographic notes thereof.

A. R. Cheever

Sworn to and subscribed before me this 11th day of June, 1902.

Bruce C. Jones
Notary Public

(SEAL)

Enc 4-105

12/14

John [illegible]

Brig [illegible]

51

DEPARTMENT OF THE INTERIOR
Commission to the Five Civilized Tribes
Muskogee, Oklahoma, November 26, 1910.

In re application for enrollment as a citizen of the Cherok e Nation of John Tincowie, by his mother Nannie Tincowie (Original Application No. 111)

B. L. Taylor, U.S.Indian Policeman, duly sworn interpreter

By George Reed, Clerk Indian office

Stilwell, November 11, 1910.

Nannie Tincowie being first duly sworn testified as follows:

Q. What is your name
A. Nannie, in English Nancy Da-nu-wa
Q. What was your name before you were married
A. Nannie Fourkiller
Q. What is your post office
A. Stilwell, Oklahoma
Q. Are you a Cherokee citizen
A. Yes a full-blood
Q. What was the name of your husband
A. Oc-ya-tuck Da-nu-wa
Q. Is he dead
A. Yes
Q. When did your husband Oc-ya-tuck die
A. I don't know the exact date it was Sept. just six years ago
Q. Have you any books showing record of date of death of your husband Oc-ya-tuck
A. No not myself
Q. Has any body else any such record
A. Yes Jim Fishinghawk has a record of the deaths and births of our family
Q. Have you a minor child named John Da-nu-wa
A. Yes
Q. What is your son John Da-nu-wa's age
A. I don't know, he was born September 9, 1903
Q. Have you a record of that event
A. I had but have lost it
Q. Has Jim Fishinghawk a record of the date of the birth of your son John Da-nu-wa
A. Yes he has it
Q. Did you have a doctor or woman attending you at the birth of your son John
A. I did not have a doctor but I had a woman, she is dead now
Q. Is this the child John Da-nu-wa (Indicating the child present)
A Yes
Q. Has your deceased husband or yourself or your child ever been enrolled and allotted lands
A. I don't knew
Q. Do you Know if your husband ever applied for enrollment for himself or for you or for any members of the family
A. I don't knew
Q. Have you ever applied for enrollment of yourself and your child John
A. No

Q. Why have you never applied
A. I did not understand what it meant
Q. Are you desirous andwilling to be enrolled and accept lands for yourself and your son John Da-nu-wa
A. I guess so
Q. Have you any other children living other than John who are not enrolled or allotted lands
A. Yes
Q. What are their names
A. Jennie, 16 years old and Mary 12 years old
Q. Have you any dead children
A. Yes Polly
Q. When was Polly born and when did she die
A. I don't remember, Jim Fishinghawk has the record
Q. Has any application ever been made to the Dawes Commission that you know of for the enrollment of Jennie, Mary and Polly your daughters
A. No I don't know
Q. Why didn't you apply for their enrollment
A. I did not know anything about it
Q. Can you give me any reason why it was that no effort has heretofore been made to enroll your husband, yourself and these children
A. Oo-ya-tuck my husband and the father of these children belonged to the Nighthawks and he was opposed to it and I did not know anything about it
Q. Have you brothers named Richard, Grant, Cicero and Judge Fourkiller who are enrolled
A. Yes I guess they are on the rolls
Q. Where is John Da-nu-wa living now
A. He is living with me.

Witness dismissed

J. B. McPherson being first duly sworn testified as follows:

Q. What is your name
A. J. B. McPherson
Q. How old are you
A. 74 years old
Q. Post office
A. Stilwell, Oklahoma
Q. Are you a Cherokee citizen
A. Yes enrolled opposite number 1909
Q. Do you know Oo-ya-tuck and Nannie Da-nu-wa
A. Yes I married them
Q. Under what authority did you marry them
A. As District Judge under a license they had to be married both Cherokee authorities
Q. When was this if you remember
A. In 1886 if I recall right
Q. Have you a personal knowledge of any children being born to them
A. Yes this child here (indicating John Da-nu-wa) claimant in this case, because he was named after me, that is they called him John for my given name
Q. Can you state the date of the birth of this child John
A. Not exactly only I remember it was 7 or 8 years ago
Q. Was there any record kept of the marriage of those you married
A. Yes I sent the license with my report to the District Clerk at Tahlequah

Q. Have you a record or knowledge of the date of the birth of this child John Da-nu-wa
A. No I understand that Jim Fishinghawk has a record of it.

witness dismissed

James Fishinghawk being first duly sworn testified as follows:

Q. What is your name
A. James Fishinghawk
Q. How old are you
A. About 65 years old
Q. What is your post office
A. Stilwell
Q. Are you a Cherokee citizen and enrolled as such
A. Yes a full-blood enrolled opposite No. 20109
Q. Can you read and write
A. Only my name in English but can read and write in Cherokee
A. What is your occupation
A. Farmer
Q. Did you know Oo-ya-tuck Nannie, Jennie, Mary, Polly and John Da-nu-wa
A. Yes Oo-ya-tuck and Polly Da-nu-wa are dead, they are all one family and lived in my neighborhood, I know them all well for a long time ever since they were all small
Q. Are you a full blood Cherokee
A. Yes
Q. Did you ever know them by any other name than Da-nu-wa
A. No only the English name Naked sometimes
Q. What was the name of Oo-ya-tuck's father
A. Oo-ya-tuck
Q. His given name
A. That is all he didn't have any given name
Q. What was the name of Oo-ya-tuck's mother
A. I don't remember
Q. Did Oo-ya-tuck have any brothers if so their names
A. Only one brother Sulteeskee
Q. What sisters did he have
A. None that I know of
Q. What was Nannie Da-nu-wa's father name
A. Fishinghawk Fourkiller
Q. What was her mother's name
A. Darkie Scott
Q. Did she have any brothers that you knew of if so what was their names
A. Richard, Grant, Cicero and Judge Fourkiller
Q. What sisters did she have
A. None that I know of
Q. Have you any knowledge of the dates of the births and deaths ofany of the family of Oo-ya-tuck and Nannie Da-nu-wa
A. Yes I have a written record kept by me
Q. Please let me see the record you say you have
A. I have it at home but will bring it to you if you say so

Witness excused to go after the original record referred to and upon his return presented quite a voluminous record purporting to be the dates of the births and deaths of the Da-nu-wa family as well as of many other persons in that neighborhood. Witness upon return submits book purporting to be the record referred to

Q. Is this the original entry book in which you recorded the dates of the irths and deaths in the family of Oo-ya-tuck Da-nu-wa
A. Yes
Q. Did you record the date of the birth of John Da-nu-wa as testified by you at or near the time it occurred
A. Yes

Examination of the recor d shows that Jennie Da-nu-wa was born November 8 1890, Mary September 9, 1898, Polly September 23, 1901 and died September 19, 1904 and that Fourkiller John Da-nu-wa was born September 9, 1903

Q. How old is this book
A. 34 years old
Q. Did you keep a record of the deaths and births of your neighborhood in this book
A. Yes all things of part icular interest
Q. Is that the record of current events in your neighborhood
A. Yes.
Q. I note in the examination the similarity of the pronunciatiemof the name of this child and his parents to Tinoowie please give me a careful pronundiation of this families name. The name pronounced sounds like Tinoowie, have you ever heard Oo-ya-tuck, Nannie and this child called Tinoowie
A. Yes thats it
Q. Please state what is correct Da-nu-wa or Tinoowie
A. They are both the same

The Dawes Commission rolls being consulted it was found that opposite roll No. 19619-20-21 and 22 the given names appear as above testified to, the surnames are spelled Tinoowie and it was further ascertained that the patents for the lands allotted to them are now in the hands of District Agent Wilson at Westville for delivery to the allottees and there is no question in my mind but what the name Da-nu-wa and Tinoowie are identically the same.

Q. Do you know if an application has heretofore been made for the enrollment of John Da-nu-wa or Tinoowie as it appears the balance of the family has been enrolled as
A. We I don't think there has because they belonged to the Nighthawks and they don't believe in enrollment or allotting of the lands.

The child was present and appeared to be a full-blood Cherokee Indian child and to be 7 or 8 years of age.

I hereby certify that the above is a true and correct copy of my long hand notes taken in said case on the 11th day of November 1910.

A. Allen

Subscribed and sworn to before me this 12th day of December 1910.

Harry Montague
Notary Public

My Commission expires 9/13/1911

Department of the Interior.

Commissioner to the Five Civilized Tribes.

Stilwell, Oklahoma, December 15, 1910.

In Re Enrollment of Nannie, Jennie, Mary and John Yertuck, as shown upon the Eastern Cherokee Roll opposite Nos. 30085, 30086, 30087 and 30088, and shown by said Eastern Cherokee Roll to be not enrolled on the final Rolls of the Five Civilized Tribes.

R. L. Taylor, U. S. Indian Policeman, of Westville, Okla. acting as Interpreter.

Examination by Mr. S. A. Mills on behalf of the Commissioner:

Nannie Oo-Ya-tuck being duly sworn testifies as follows:

Q. State your name, age and Pos Office address? A Nannie Oo-ya-tuck, age about 37 years old, Post Office address Stilwell, Okla.
Q What is your husband's name? A Oo-ya-tuck Tin-oo-wie.
Q Where is your husband now? A He is dead; died in September 1904.
Q What are the names of your children, commencing with the eldest? A Jennie, Mary and John.
Q Are you all enrolled Cherokee Citizens? A Yes, excepting our son John whose application for enrollment was made before a representative of the Commissioner on Nov. 11, 1910.
Q What is the age of your child Jennie? A 18 years old.
Q What is the age of Mary? A 12 years past.
Q What is the age of your son John? 7 Years old.
Q Did you and each of your children just named draw Eastern Cherokee monies at the last payment? A Yes sir.
Q Under what name did you draw that money? A Under the name Nannie Oo-ya-tuck, Jennie Oo-ya-tuck and John Oo-ya-tuck.and Mary Oo-ya-tuck.
Q You stated at the beginning of this examination that your husband's name was Oo-ya-tuck Tin-oo-wie, you also stated that your husband, yourself and your three children, Nannie, Jennie and Mary were enrolled on the finall Rolls of the Five Civilized Tribes and that you had recently made application for the enrollment of your son John under the Sir name of Tin-OO-wie? (See Cherokee Final Roll Nos. 19619, 19620, 19621and 19622) and you further stated that you had drawn the family monies under the Sir name of Oo-ya-tuck in the Eastern Cherokee Payment. Please explain to me how comes the difference in the sir names by you? A Jackson Redbird made out my application for myself and family for the purpose of obtaining our share of the Eastern Cherokee Payment and he used the name of Oo-ya-tuck in making our application as Oo-ya-tuck is the name under which we are generally known by our friends and neighbors, and my husband, Oo-ya-tuck Tin-oo-wie made the application for our enrollment before the Dawes Commission and used the sir name of Tin-oo-wie there.
Q I notice under the Eastern Cherokee Roll that the enrollment there shows Nannie, Jennie, Mary and John Yertuck. Do these names in that enrollment apply to you? A Yes Sir, we are one and the same persons. The mistake in spelling the name lays with N. J. Redbird, the man that made the application for us and we didn't get our money until here just recently.

Q And it is a fact that Nannie, Jennie, Mary Yortuck, as shown opposite Nos. 30085, 30086 and 30087, should have been Nannie, Jennie and Mary Tin-oo-wie, as shown opposite Roll Nos. 19620, 19621 and 19-622 as Nannie, Jennie and Mary Tin-oo-wie, and that you have been enrolled as such and allotted lands in the Cherokee Nation? A Yes Sir.

James Fishinghawk being first duly sworn testifies as follows:
Q State your name, age and Post Office address? A James Fishinghawk, 55 years old, Post Office address Stilwell, Okla.
Q Are you acquainted with the family named Oo-ya-tuck? A Yes Sir.
Q State the name of the wife of Oo-ya-tuck Tin-oo-wie and the children? A Nannie, Jennie and Mary, and John, children.
Q Are they known and considered ~~kx~~ to be Cherokee Citizens? A Yes Sir, Full Bloods.
Q Do you know if they are enrolled as Cherokee Citizens? A Yes, they are on the Rolls and drew their share of the Eastern Cherokee money.
Q Have you ever heard them, and known them called ~~kx~~ any other name than that of Tin-oo-wie? A I never heard of them going by any other name than Tin-oo-wie, that is Oo-ya-tuck Tin-oo-wie, and they sometimes call them for short his first name--Oo-ya-tuck.
Q Then the family were known by two names, the sir name of Tin-oo-wie and sometimes by the given name Oo-ya-tuck? A Yes Sir.
Q Was it a fact that this family, Nannie, Jennie, Mary and John, children of Oo-ya-tuck Tin-oo-wie, drew their money under the sir name of Yortuck? A Yes Sir.
Q Please explain how that difference in the sir name occurred? A With us Cherokee people many families are called by their husband's or fathers first name and in this case the man, Jackson Redbird, when making out the application, used the name of Oo-ya-tuck without giving his full name, calling the wife and children Nannie, Jennie, Mary and John Oo-ya-tuck and the name Yortuck must have been a mistake, they sound so much alike.
Q Then it is your belief that the word Yortuck as appears on the Eastern Cherokee Roll as thname of this family and the name Oo-ya-tuck is simply a confusion of the two names? A Yes Sir, it is a confusion of the two names.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in said case.

W. E. Foltz

Subscribed and sworn to before me on this 3rd day of January, 1911.

R. P. Harrison, Clerk
By Durard Harrison

—not identical.

71. MEMORANDUM.

90635 1913

Nannie Yo[illegible]tuck, Eastern Cherokee, roll No. 30085

Jennie " " " " " 30086

Mary " " " " " 30087

John " " " " " 30088

and shown on Eastern Cherokee roll as not enrolled

It is believed that roll
[illegible]eyuke Tinoowie, No. 19623, is identical with Polly, deceased, and that John Tinoowie (see
Witnesses [illegible] should be enrolled as recommended.
P. O. Stilwell, Okla, testified that Yortuck was intended for Oo-ya-tuck which is the correct given name of her deceased husband Oo-ya-tuck Tin-oo-wie.

Jackson Redbird in making our application for Eastern Cherokee money used Yortuck instead of Oo-ya-tuk, the given name by which we were generally known by our friends and neighbors. The mother mentions as her children only Jennie, Mary and John whereas on the final Cherokee roll appears the names Quahleyuke Tinoowie which is believed to be identical with John Tinoo-wie, vide John Daniels record—not identical.

Further investigation necessary to determine if John Tinoowie has already been enrolled under the name of Quahleyuke Tinoowie Roll No. 19623. For the rest of the family see Oo-ya-tuck Tinoowie, Roll No. 19619, Nannie Tin-OOwie, Roll No. 19620, Jennie Tinoowie, Roll No. 19621, Mary Tinoowie, Roll No. 19622.

Recommended that Nannie, Jennie & Mary Tinoowie, be not further enrolled.

It is believed that Quahleyuke Tinoowie, No. 19623, is identical with Polly, deceased, and that John Tinoowie (see chero. J. 81), should be enrolled as recommended.

OF INDIAN AFFAIRS
JUL 24 1913

MEMORANDUM. 90635

John Danuwa, more correctly John Tinsowie.

The parents are enrolled under the name of Tinsowie.

born Sept. 9, 1903, still living and produced at the hearing.

Father - Qo-ye-tuck Tinsowie - now deceased - full blood Cherokee Roll No. 19618.

Mother - Nannie Tinsowie - full blood Cherokee, Roll No. 19620.

Witnesses - November 26, 1910 - father, mother and James Fishinghawk, who kept a neighborhood diary of current events.

The woman who was in attendance at birth of John Tinsowie, is dead - no doctor.

Never applied for the enrollment of the child John prior to March 4, 1906, because the deceased father was a Night Hawk and didn't believe in enrollment and the widow knew nothing about it.

It is shown that in pronouncing in the Indian language the word Danuwa, it is easily seen how it could be mistaken for Tinsowie, as the parties insisted the names are the same.

John Tinsowie was produced at the hearing and appears to be of the age claimed.

Both parents being enrolled, it is recommended that John Tinsowie be enrolled as a full blood Cherokee minor.

Birth affidavit filed.

(Copy).

Office of Indian Affairs
Received Jul 24 1913
90635

FORTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of John Inoowie [Here insert name of child], born on the 9th day of Sept 1903

Name of Father: Doyatuck Inoowie a citizen of the Cherokee Nation.

Name of Mother: Nannie Inoowie a citizen of the Cherokee Nation.

Tribal enrollment of father Cher. full blood 19619 Tribal enrollment of mother Cherokee full blood No 19620

Postoffice Stilwell, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Adair District.

I, Nannie Inoowie, on oath state that I am 37 years of age and a citizen by blood of the Cherokee Nation; No. 19620

that I am the lawful wife of Doyatuck Inoowie (now deceased) who was a citizen, by blood of the Cherokee Nation; that a male [Male or Female] child was born to me on 9th day of September 1903; that said child has been named John Inoowie and was living March 4, 1906, and is still living with me. I had no physician to attend me at the birth of my child John and the midwife who attended me is now dead.

Her
Nannie X Inoowie
mark

WITNESSES TO MARK:
George Reed, 1488 Newton st, Washington, D.C.
[Must be Two Witnesses] R.L. Taylor, Westville Okla.

Subscribed and sworn to before me this 11th day of November 1910

Seal

R.P. Harrison, Clerk
By S.A. Mills, Deputy
~~Notary Public~~

James Fishinghawk from an old record book.

AFFIDAVIT OF ~~ATTENDING PHYSICIAN OR MID WIFE~~.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Adair County District.

I, James Fishinghawk, a Cherokee full blood No. 20109 on oath state that I recorded in a private record kept in my possession the date of birth of John Inoowie, the child of Nannie Inoowie, that on the 9th day of Sept 1903; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named John Inoowie and said child is still living with its mother, Nannie Inoowie

Jim Fishinghawk

WITNESSES TO MARK:
[Must be Two Witnesses]

Subscribed and sworn to before me this 12th day of November 1910

Seal

R.P. Harrison - Clerk
By S.A. Mills, Deputy
Notary Public.

(COPY)

Muskogee, Oklahoma, December 14, 1910.

Mr. W. H. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the claim of John Tincowie to be enrolled as a Cherokee citizen, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc. L-105

(COPY)

B-264

WDSM

Office of Indian Affairs
Received Feb 10 1911
11629

Muskogee, Oklahoma, February 6, 1911.

The Honorable,

The Commissioner of Indian Affairs,

Washington, D. C.

Sir:

As requested in letter of your Office of February 1st, 1911 (Land-Allotments-C. E.), there is enclosed herewith copy of testimony in the matter of the application for the enrollment of Quahlaahe Tin-oo-wie, Cherokee No. 19623.

Respectfully,

Thos. Ryan

Acting Commissioner.

WSDM(CM)
Enc. 6-3

LAL

Cher 11116

Lala Toney

Cher 11116

MEMORANDUM.

90635

Lala Toney - P. O. Perum, Okla., a minor full blood Cherokee, born August 7, 1908, 7 years old. Ans - 2600 2.1910

The name Lela Toney, daughter of John Toney, P. O. T. Roll No. 18750 as 3 years old, Eastern Cherokee Roll No. 27166, but no enrollment by Secretary.

Father - John Toney, deceased, Cherokee full blood, Roll No. 18750.

Mother - Jennie Toney, Cherokee full blood, Roll No. 18751.

Jennie Toney, the mother, through sworn interpreter, Tilden Cramp, stated that the deceased father of the child was a member of the Night Hawk band and was opposed to allotment, but prior to his death intended to have his child enrolled, but delayed so long on account of his opposition to enrolment, that he sickened and died before carrying out his intentions, and the child was omitted. The mother called the child and produced her having every appearance of being a full blood Indian.

Neither the mother or child could speak English but both were interrogated through the sworn interpreter. Aggie Alexander, an aged lady and neighbor, a midwife, averred that she attended on Jennie Toney at birth of Lala Toney. Clear case.

Birth affidavit filed.

Recommended enrollment of Lala Toney as a minor full blood Cherokee.

OFFICE OF INDIAN AFFAIRS
JUL 1913 190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Lala Toney

as a citizen of

Cherokee Nation.

Approved ..... 190...

.....

Commissioner.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Lala Toney [Here insert name of child], born on the 4th day of August 1903

Name of Father: John Toney a citizen of the Cherokee Nation. No. 18450

Name of Mother: Jennie Toney a citizen of the Cherokee Nation. No. 18451

Tribal enrollment of father Cherokee full blood Tribal enrollment of mother Cherokee full blood.

Postoffice Porum, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ Muskogee County
State of Oklahoma ~~District~~

I, Jennie Toney, on oath state that I am 48 years of age and a citizen by blood of the Cherokee Nation; that I am the lawful wife of John Toney, who is a citizen, by blood of the Cherokee Nation; that a female [Male or Female] child was born to me on 4th day of August 1903.; that said child has been named Lala Toney and was living March 4, 1906 and is still living.

her
Jennie X Toney
mark

WITNESSES TO MARK of Jennie Toney

[Must be Two Witnesses] George Reed 1418 Newton St. Washington D.C.
S.A. Mills, Muskogee, Okla

Subscribed and sworn to before me this 2nd day of November 1910

R. P. Harrison, Clerk
By S.A. Mills, Deputy ~~Notary Public~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ Muskogee County
State of Oklahoma ~~District~~

I, Aggie Alexander, a midwife, on oath state that I attended on Jennie Toney, wife of John Toney on the 4th day of August 1903.; that there was born to her on said date a female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Lala Toney and is still living.

her
Aggie X Alexander
mark

WITNESSES TO MARK:

[Must be Two Witnesses] George Reed Washington D.C. Cherokee by blood Roll No. 17455.
S.A. Mills, Muskogee, Okla

Subscribed and sworn to before me this 2nd day of November 1910

R. P. Harrison, Clerk
By S.A. Mills, Deputy ~~Notary Public~~

Cher 11117

Wesley Turtle

(1)

Cher 11117

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE ENROLLMENT, as Cherokee Citizens, of Wesley and young Turtle, who appear upon the Eastern Cherokee Roll opposite Nos. 27481 and 27482, and are shown to be not upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had near Gore, Oklahoma, December 30th, 1910, by Mr. S. A. Mills, on behalf of the Commissioner.

By Mr. Mills:

Called at Mr. William Turtle's residence and saw his children, Wesley and Young, who appear upon the Eastern Cherokee Roll opposite Nos. 27481 and27482. The father, Wm Turtle, stated that he did not care to make application for his minor children at this time as he wanted to look into the matter, andhe further stated that if he concluded to make application for the enrollment ofthe children he would call at the office of the Commissioner to the Five Civilized Tribes and give such information as is necessary.

The parents stated that they have no written record of the date of the birth of either child: that the grandmother, Nellie Snell, who now lives at Kansas,Okla. waited upon the mother at the time of the birth of Wesley, and a white woman named Mrs. Ed. Outlaw, at Ft. Gibson, waited upon the mother at the birth of Young Turtle. They stated that Wesley will be seven years old on his next birthday; he was born in the Winter time. And that Young will be five years old in the early part of march next, but tht they can not give the date of the month. Both children were present and appear to be of the age and blood claimed. The mother was present also but could not give the dates of the birth of the children with any more closeness or accuracy that the father. Sallie Turtle is the mother of the Children.

The father also stated that he was opposed to enrollment and allottment. (I am informed that he is a very pronounced so-called Nighthawk)

Jack Spaniard being first duly sworn testifies as follows:

Q State your name, age and address. A Jack Spaniard; Gore, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes sir.
Q Do you know William Turtle and his wife? A Yes sir.
Q Are they Cherokee Indians? A Yes sir.
Q Do you know if they are enrolled as such? A Yes sir; that is my understanding. They were arbitrarily enrolled.
Q Are youwell acquainted with Wm. Turtle, his wife Sallie and their family? A Yes sir.
Q Do you know two minor children of theirs? named Weslie and Young? A Yes sir.
Q Are they now living? A Yes sir; living with their parents.
Q How old is wesley? if you know? A About six years old.
Q How old is Young Turtle? About four years old, going on five.
Q Do you know the year, month and day they were born? A I don't know positively.

Q You say you are well acquainted with William Turtle and his wife Sallie: Do you know whether or not they are opposed to taking their allottment in severalty? A I know them to be Nighthawks and bitterly opposed to enrollment and taking allottments.

W. E. Folts, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Folts

Subscribed and sworn to before me on this 10th day of January, 1911.

R. P. Harrison, Clerk.

By Edward Merrick
Deputy.

Supplemental in Case #102

In Re application for enrollment of Wesley and Young Turtle.

Proceedings had at Kansas, Oklahoma, January 19, 1911, before Mr. S. A. Mills, on behalf of the Commissioner.

By Mr. S. A. Mills.

Called on Nellie Snell to give testimony as to the date of the birth of her grand children Wesley and Young Turtle, she being attendant upon the mother at the time of the births, and she positively refused to give any information. It appears that she is a very pronounced Night Hawk and opposed to giving any assistance to the enrollment of Cherokee citizens.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W. E. Foltz

Subscribed and sworn to before me on this 23rd day of January, 1911.

Edward L. Kerr
Notary Public.

Office of Indian Affairs
Received Jul 24 1913
90635

Dear Sir,

It is recommended that Wesley Turtle and Young Turtle be enrolled as minor full blood Cherokees.

Wesley Turtle, near Gore, Okla., P. O., Vernon, Okla., R.

Father. Clerk. Roll No. 27142, not in U. S. Y. rolls.

Young Turtle, same address, on Eastern Clerk. Roll No. 27142, not on U. S. Y. rolls. Children seen at the home of the father, William Turtle, a Northern who is bitterly opposed to enrollment and who declines to give any information them or to apply for the enrollment of his children. Children entered to be full blood Cherokee.

Father -- William Turtle, Okla. Full blood, roll No. 27142.

Mother -- Sallie Turtle, Cher. Full blood, roll No. 27142.

Brother -- Charlie Turtle, Cher. Full blood, roll No. 27142.

Sister -- Susan Turtle, Cher. Full blood, roll No. 27142.

Sister -- Cornelia Turtle, Cher. Full blood, roll No. 27142.

Sister -- Emma Turtle, Cher. Full blood, roll No. 27142.

as the father is not entirely enrolled. It

(COPY)

M E M O R A N D U M.

Cher. J., 102.

a Wesley Turtle, near Gore, Okla., P. O., Kansas, Okla., on Eastern Cher. roll No. 27841, not on F. C. T. rolls.

b Young Turtle, same address, on Eastern Cher.. roll No. 27482, not on F. C. T. rolls. Children seen at the home of the father, William Turtle, a Nighthawk who is bitterly opposed to enrolment and who declined to give any information then or to apply for the enrolment of his children. Children appeared to be of the age and blood claimed.

Father -- William Turtle, Cher. full blood, roll No. 20787.
Mother -- Sallie Turtle, Cher. full blood, roll No. 20788.
Brother -- Charles Turtle, Cher. full blood, roll No. 27089.
Sister -- Susan Turtle, Cher. full blood, roll No. 20790.
Sister -- Cah-neh-ee Turtle, Cher. full blood, roll No. 30649.
Sister -- Takie Turtle, Cher. full blood, roll No. 30650.

As the father and his family were arbitrarily enrolled, it is recommended that Wesley Turtle and Young Turtle be enrolled as minor full blood Cherokees.

Cher 11117 A

Ice Vann

(2)

Cher 11117 A

90635

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Stilwell, Oklahoma, November 12, 1910.

In the matter of the application for the enrollment of Ice Vann as a citizen by blood of the Cherokee Nation.

Proceedings had before George Reed, Clerk to the Commissioner ~~xx~~ of Indian Affairs.

No-name Vann, being first duly sworn, testified through R. L. Taylor, U. S. Indian Policeman, sworn interpreter, as follows:

By Mr. Reed:

Q What is your name, age and postoffice address? A No-name Vann. I don't know how old I am; my postoffice is Stilwell, Oklahoma.
Q Are you enrolled as a citizn of the Cherokee Nation? A Yes. (See Dawes Commission Cherokee Roll No. 18999).
Q Have you a child who has not been enrolled as a Cherokee citizen? A Yes.
Q Give me the name of that child? A Ice Vann.
Q What is the name of the mother of the child? A Sina Vann. (See Dawes Commission Cherokee Roll No. 25637).
Q How old is this child, Ice Vann? A Past five years old.
Q When was he born, have you a record of the date of his birth? A Yes. (Herewitness produces a book in which is written in Cherokee what purports to show that Ice Vann was born December 29, 1905).
Q Who was present when Ice Vann was born? A An old woman; she is now blind and can't get out, and she don't remember nothing any more.
Q Who else was present besides this old woman, as you call her, who you say is too old and feeble to get out or give any testimony in the matter? A No one, only myself.
Q Can't you give us the name of some other one who would know the date of the birth of your child, Ice Vann? A No, no one there only old woman and me.
Q Where is Ice Vann now? A Here (child is present and appears to be a full-blood and of the age claimed.) The mother is also present and corroborates the statements of the father, No-name Vann.

Witness excused.

Vester W. Rose, after being sworn, states that the above and foregoing is a correct and complete transcript of his stenographic notes taken in the above matter on the date therein mentioned.

Vester W. Rose

Subscribed and sworn to before me this 7th day of December, 1910.

Harry Montague
Notary Public.

OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

M E M O R A N D U M.

Cher. F. 1.

Ice Vann, P. O., Stilwell, Okla., born Oct. 29, 1905; still living, produced at the hearing Nov 12, 1910 and appeared to be of the age and blood claimed. Record evidence in Cherokee as to the date of birth of Ice Vann. Witnesses - father and mother.

Father -- No-name Vann, Cher. full blood roll No.18999.

Mother - Sina Vann, CherL full blood, roll No. 25637.

Recommended that Ice Vann be enrolled as minor Cherokee full blood.

INDIAN AFFAIRS
RECEIVED
JUL 24 1913

IN RE 90635

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....

as a citizen of

..... Nation.

Approved..... 190...

.....

Commissioner.

New Card

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
to
of Dee Vann, born on the 29 day of October 1905
(Here insert name of child)

Name of Father: Noname Vann a citizen of the Cherokee Nation.

Name of Mother Sina Vann a citizen of the Cherokee Nation.

Tribal enrollment of father Cher. full blood 18999. Tribal enrollment of mother Cher. full blood Roll No. 18639

Postoffice Stilwell, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Adair County, District.

I, Sina Vann, on oath state that I am 31
years of age and a citizen by blood, of the Cherokee Nation; Roll No. 18639
that I am the lawful wife of Noname Vann, who is a citizen, by
blood, of the Cherokee Nation; Roll no. 18999 that a male child was
born to me on 29th day of October 1905; that said child has been named
Dee Vann and was living March 4, 1906, and is still living
with me.

her
Sina X Vann
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Newton St. Washington D.C.
R L Taylor Westville Okla

Subscribed and sworn to before me this 11th day of November 1910.

R. P. Harrison Clerk
By [illegible] Deputy ~~Notary Public~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Adair County, District.

I, Noname Vann, a full blood Cherokee Roll no. 18999 on oath state that I
attended on Sina Vann my, wife of
on the 29th day of October 1905; that there was born to her on said date a male
child; that said child was living March 4, 1906, and is said to have been named Dee Vann
and is still living with me.

his
Noname X Vann
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Newton St Washington D.C.
Richard L. Taylor Westville Okla

Subscribed and sworn to before me this 11th day of November 1910

R. P. Harrison Clerk
By [illegible] Deputy ~~Notary Public~~

OF INDIAN AFFAIRS
RECEIVED
JUL 24 1913
90635

Muskogee, Oklahoma, December 8, 1910.

Hon. W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith a copy of the testimony respecting the enrollment as a Cherokee citizen of Ice Vann, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-24

Cher 11118
Lillie Vann

Cher 11118

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a Cherokee Citizen, of Lillie Vann, who appears upon the Eastern Cherokee Roll opposite No.14539, and is shown to be not upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had at Muskogee, Oklahoma, January 24, 1911, before Mr. S. A. Mills, on behalf of the Commissioner.

Examination by Mr. Mills:

Nancy Bark, being first duly sworn, testifies as follows:

Q State your name, age and Post Office address? A Nancy Bark; about 23 years old; Vian, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#30685)
Q Have you ever been known by any other name heretofore than that of Nancy Bark? A Nancy Vann, my former husband before I married Mr. Bark was Jesse Vann, and my maiden name, the name under which I am enrolled, is Nancy Holt or Diana Holt.
Q What is the purpose of your appearance at this time? A For the purpose of getting my child Lillie Vann on the Roll.
Q How old is Lillie Vann? A Six years old.
Q What year, month and day of the month was Lillie born? A March 7, six years ago; will be seven years old next March.
Q Have you a written record of the date of the birth of this child Lillie? A No sir; I never made any.
Q How do you fix the date so positively without a written record? A She is my first child and I remember it.
Q Who is the father of Lillie Vann? A Jesse Vann.
Q Is he an enrolled Cherokee Citizen? A Yes. (See F.C.R.#27178)
Q Where is Jesse Vann now, the father of this child? A I suppose he is up in Flint somewhere.
Q Who was present when this your child Lillie was born? A Just myself and my mother, Polly Holt, she is dead.
Q When did your mother die? A Four years ago.
Q Is there no one else who could testify for you as to the age of this child? A No sir; unless it is my present husband, he was living close neighbor to us when Lillie was born.
Q Who is your child Lillie now living with? A A Living with me.
Q Where is she now? A There she is (indicating the child).

Robert Bark, being first duly sworn, testifies as follows:

Q State your name, age and Post Office address? A Robert Bark; 29 years old; Vian, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.# 18225)
Q Are you the present husband of Nancy Holt, who was formerly Vann, and enrolled as Holt? A Yes.
Q What is your wife's given name? A Nancy, her Cherokee name is Diana.
Q Do you know this child, Lillie Vann, that your wife is making application for enrollment? A Yes sir; my wife's child by a former husband.

Q How long have you known this child? A About six years, ever since she has been born.
Q What year was Lillie born? A I do not remember just what year it was.
Q Cannot you fix the year or the number of years ago that child has been born in some manner? A We have been married a little over two years and the child was over four years old when we were married.
Q Is the father of Lillie now alive or dead? A Alive and living in the Flint country.
Q Are you sure, peradventure of a doubt, this child is six years past? or is it five years past March 7? A She is six years past, last march.
Q Is this child now living with you and your wife? A Yes sir.

The child is present and appears to be of the age and blood claimed.

W. E. Folts, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Folts

Subscribed and sworn to before me on this 24th day of January, 1911.

Edward McGee
Notary Public.

Cher 11119
Maggie Vann

Cher 11119

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a Cherokee Citizen, of Maggie Vann, as shown upon the Eastern Cherokee Roll opposite No.27793, and shown to be not upon the Final Rolls of the FiveCivilized Tribes.

PROCEEDINGS had at Vian, Oklahoma, December 23, 1910, by Mr. S. A. Mills, on behalf of the Commissioner.

Interpreted by Thomas P. Roach, Official Interpreter, of Muskogee, Oklahoma.

Examination by Mr. Mills.

Taylor Vann being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Taylor Vann, age 30, P. O. Vian, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes sir. (See E.C.R.#19516
Q I note that the name opposite Final Roll No. 19516 is George Washington. Please explain to me how it is you claim that your name is Taylor Vann whereas the Final Rolls of the Five Civilized Tribes shown your name to be George Washington, if the Roll number you have given is correct? A My real name is as I have given you, Taylor Vann. While I was going to school at Dwight Mission they gave me the name of George Washington and I have gone and have been known under both names everysince then.
Q Were you enrolled upon the Eastern Cherokee Roll and participated in the distribution of the Eastern Cherokee Fund? A Yes sir; under the name of Taylor Vann. (See E.C.R.#27794)
Q Who made application for you for enrollment upon the Final Rolls of the Five Civilized Tribes before the Dawes Commission? A I don't know; I didn't appear before the Commission. At that time I was a Nighthawk and was opposed to enrollment.
Q Then you do not know how it was that you were enrolled upon the Final Rolls of the Cherokee Nation under the name of George Washington? A No sir, unless it was because I am sometimes known and called by that name since I came from school.
Q What is your wife's name? A Kizzie Vann.
Q Is she an enrolled Cherokee Citizen? A Yes. (See E.C.R.#19536)
Q What was her name at the time of her enrollment? A Kizzie Housebird. She was married before to a man named Housebird.
Q Have you a child known as Maggie Vann? A Yes sir.
Q Who is the mother of that child? A Kizzie.
Q How old is this daughter Maggie? A About seven years old.
Q When was she born? A Feb. 4, 1904.
Q Have you a record of the date of the birth of your child Maggie? A Yes sir. (Here witness submits Family Bible written in Cherokee which interpreted by the interpreter reads, "Maggie Vann, born Feb. 4, 1903.
Q Who was present when Maggie was born? A Dr. Bryan, here in Vian, waited on my wife when Maggie was born.
Q Please get Doctor Bryan with his records of thisevent before me, so that I may make a record of whatever record he may have.

Q Where is your daughter Maggie now? A Here she is--indicating the child.
Q Who is she living with? A Lives at home with me.

Kizzie Vann being first duly sworn testifies as follows:
Q State your name, age and post Office Address? A Kizzie Vann, about 42 years old, P. O. Vian, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. I was enrolled as Kizzie Housebird. (See F.C.R.#19536)
Q Have you a child who has not been enrolled upon the Final Rolls of the Cherokee Nation? A Yes sir.
Q What is that child's name? A Maggie Vann.
Q How old is your daughter Maggie? A Seven years old.
Q Who is the father of Maggie? A Taylor Vann. (See F.C.R.#19516)
Q When was Maggie Vann born? A Feb. 4, 1903.
Q Have you a written record of that event? A I have ; my husband submitted the record.
Q Who was present when your daughter Maggie was born? A Dr. Bryan, of Vian.
Q Is Maggie now alive? A Yes sir; living with me. Here she is--indicating the child.

Dr. W. T. Bryan being first duly sworn testifies as follows:
Q State your name, age and Post Office address? A W. T. Bryan, 51 years old, Vian Okla.
Q Are you a Cherokee Citizen? A I am not.
Q Were you in the profession as a physician during the year 1903? A I was.
Q Did you, during that year, wait upon one Kizzie Vann, formerly Housebird, and deliver her of a child? If so, about what time in 1903? A I can only say about that time; about that year I waited on her, she was delivered of her child just before I arrived.
Q Is that child now alive? A I don't know.
Q Did you make a record of that event? A I did not. At that time my practice was restricted to a cash practice and it was not my custom to record.
Q Do you recall what the Statutes required at that time relative to births and deaths? A I do not.
Q Then as a matter of fact you do know that there was a child born to Kizzie Vann about Feb. 1903? but you don't know thename of that child, its sex, or whether or not said child is now alive? A Yes; as to the birth; but I don't recall the sex and don't know whether the child is now alive.
Q And you have no record of the date of that event? A I have no record of the date.

The child is present and appears to be of the age and blood claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 7th day of January, 1911.

R. P. Harrison, Clerk.
By Edward Herrick
Deputy.

Office of Indian Affairs
Received Jul 24 1913
90635

(COPY)

Cher. J. W.

MEMORANDUM.

Margie Vann, on eastern Cherokee roll No. 27795, not on
U.S.C. rolls, i. c. Vian, Oklahoma, born Feb. 4, 1902,
family bible and the attending physician introduced
in support of the statement as to date of birth.
Child produced at the hearing and appeared to be of
the age and blood claimed.
Father, Taylor Vann, enrolled as George Washington, Cher.
roll No. 19516, full blood.
Mother, Kizzie Vann, enrolled as Kizzie Honeycutt, Cher.
roll No. 19536, full blood.
The father was known as George Washington at the Dwight
Mission School and was arbitrarily enrolled under
that name as he was a Nighthawk and opposed to en-
rollment.
Recommended that Margie Vann be enrolled as a minor Cher.
full blood.

159
20

Act of Congress approved April 26, 1906 IN RE

Application for Enrollment of
Minor
~~INFANT~~ CHILD

.....

as a citizen of

.....Nation.

Approved 190

.....

Commissoner.

(COPY)

Office of Indian Affairs
Received Jul 24 1913
90635

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,
or
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Enrollment of Minors. Act of Congress Approved April 26, 1906.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,

of Maggie Vann (Here insert name of child), born on the 4th day of February, 1903

Name of Father: Taylor Vann a citizen of the Cherokee Nation.

Name of Mother: Kizzie Vann a citizen of the Cherokee Nation.

Tribal enrollment of father, Cherokee Roll #19516 Post-office Vian, Okla.
Tribal enrollment of mother
Cherokee Roll #19536

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, } ~~Territory of~~ State of Oklahoma
~~District of~~ Sequoyah County }

I, Kizzie Vann, on oath state that I am 42 years of age and a citizen, by Blood, of the Cherokee Nation; that I am the lawful wife of Taylor Vann, who is a citizen, by Blood, of the Cherokee Nation; that a female (Male or female) child was born to me on 4th day of February 1903; that said child has been named Maggie Vann, and is ~~now~~ was living March 4, 1906 and is now alive and living with me.

WITNESSES TO MARK:

Kizzie Vann.

(Must be Two Witnesses.)

Subscribed and sworn to before me this 23d day of December 1910

Seal

P. P. Harrison - Clerk
By S. A. Mills - Deputy
~~NOTARY PUBLIC.~~

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, } ~~Territory of~~ State of Oklahoma
~~District of~~ Sequoyah County }

I, Taylor Vann, a ..., on oath state that I attended on ~~Mrs.~~ Kizzie Vann, my wife, of ... on the 4th day of February, 1903, that there was born to her on said date a female (MALE OR FEMALE) child; that said child ~~is now~~ was living March 4, 1906 and is said to have been named Maggie Vann, and she is now alive and living with me.

WITNESSES TO MARK:

Taylor Vann.

(Must be Two Witnesses)

Subscribed and sworn to before me this 23d day of December 1910

P. P. Harrison - Clerk
By S. A. Mills, Deputy

Cher 11120

Thomas Vann

Cher 11120

Department of the Interior.
Commission to the Five Civilized Tribes.
January 7, 1911.

In Re Application for enrollment as a citizen of the Cherokee Nation of Thomas Vann, Jr., who appears upon the Eastern Cherokee Roll opposite #27801, but is not shown to be upon the Final Roll of the Five Civilized Tribes.

- - - - - - - - - - -

Ida Vann, being first duly sworn, testified through R. Olery, Interpreter, as follows:

EXAMINATION BY S. A. MILLS ON BEHALF OF THE COMMISSION:

Q State your name, age and post-office address? A Ida Vann, nee Rabbitt, about 20 years old, Mazie, Okla.
Q Are you an enrolled Cherokee citizen? A Yes, I was enrolled as Ida Rabbit. (Cherokee Roll #12531)
Q What is your husband's name? A Thomas Vann.
Q Is he an enrolled Cherokee citizen? A Yes. (Cherokee Roll #32572)
Q Have you a child known as Thomas Vann, Jr.,? A Yes.
Q Is he enrolled upon the Final Rolls of the Five Civilized Tribes? A I don't know.
Q Do you know if any application has been heretofore made for his enrollment? A No.
Q Is he enrolled upon the Eastern Cherokee Roll? A Yes. (Eastern Cherokee Roll #27801)
Q How old is this, your son, Thomas? A He is almost five, he will be five years next week—next Thursday.
Q Have you a written record of the date of the birth of your son Thomas? A No; I only know that he will — that he was born on the 18th day of January, 1906.
Q Who was present at the birth of your son Thomas? A My mother, Sallie Rabbit, waited on me when he was born.
Q Where is your son Thomas now, is he living? A Yes, here he is, living with me. (Indicating the child
Q Who is the father of Thomas Vann, Jr.? Thomas Vann. He isn't here now, he is out hunting.

- - - - - - - - - - -

Sallie Rabbit, being first duly sworn, testified through R. Olery, Interpreter, as follows:

Q State your name, age and post-office address. Sallie Rabbit, about fifty years old, Mazie, Oklahoma.
Q Are you an enrolled Cherokee citizen? A Yes. (Cherokee Roll #12529)
Q Are you the mother of Ida Vann? A Yes.
Q Has your daughter, Ida Vann, the wife of Thomas Vann, a son by the name of Thomas Vann, Jr? A Yes.
Q When was this Thomas Vann born? A 18th day of this month he will be five years old.
Q Who is the father of this Thomas Vann, Jr? A Thomas Vann.

Q Is he an enrolled Cherokee citizen? A Yes.
Q Where is this Thomas Vann, Jr., your grand-child, now living? A He is living with his parents.
Q Did you wait upon your daughter, Maggie Youngbird Fisher, and your daughter Ida Vann, at the birth of their children, Ross Johnson Fisher, and Thomas Vann, Jr.? A Yes, sir.

Note: Child was present, and had the appearance of being of the age and blood claimed.

- - - - - - - - - - -

W. H. Byrd, being first duly sworn, states that the above and foregoing is a true and crerrect transcript of his stenographic notes taken by him in the above case.

W H Byrd

Subscribed and sworn to before me on this the 21st day of January, 1911 .

R. P. Harris
Clerk
by
W H Bynum
Deputy

Case #157

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Thomas Mann Jr.

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

Office of Indian Affairs,
Received Jul 24, 1913
90635

(Original)

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Thomas Vann Jr. [Here insert name of child], born on the 12 day of January 1906

Name of Father: Thomas Vann a citizen of the Cherokee Nation.

Name of Mother: Ida Vann a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll #32572 Tribal enrollment of mother Cherokee Roll #12531

Postoffice Maiza, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Mayes County ~~District.~~

I, Ida Vann on oath state that I am about 20 years of age and a citizen by blood of the Cherokee Nation; that I am the lawful wife of Thomas Vann, who is a citizen, by Blood of the Cherokee Nation; that a male [Male or Female] child was born to me on 12th day of January 1906; that said child has been named Thomas Vann, Jr. and was living March 4, 1906 and is now alive and living with me.

her
Ida X Vann
mark

WITNESSES TO MARK:
[Must be Two Witnesses] Richard Glory, Muskogee Okla.
N. H. Byrd, Tahlequah, Okla.

Subscribed and sworn to before me this 7th day of January 1907.

Seal

R. P. Harrison, Clerk
~~Notary Public~~
By S. A. Mills Deputy

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Mayes County ~~District.~~

I, Sallie Rabbit a midwife on oath state that I attended on Ida Vann wife of Thomas Vann on the 12th day of January 1906; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Thomas Vann Jr. and he is now alive, living with his Parents

her
Sallie X Rabbit
mark

WITNESSES TO MARK:
[Must be Two Witnesses] N. H. Byrd, Tahlequah, Okla.
Richard Glory, Muskogee Okla.

Subscribed and sworn to before me this 7th day of January 1907

Seal

R. P. Harrison Deputy
~~Notary Public~~
By S. A. Mills
- Deputy

Cher 11121
John Waterfallen

Cher 11121

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Oklahoma, November 16, 1910.

In the matter of the application for the enrollment as a Cherokee citizen of John Waterfallen, whose name appears on the Eastern Cherokee roll, but does not appear on the final roll of the Commissioner to the Five Civilized Tribes.

Testimony taken before George Reed,
Clerk of the Commissioner of
Indian Affairs.

James Waterfallen, being first duly sworn testified as follows, through United States Indian Policeman, R. L. Taylor, Interpreter:

Q What is your name, age and postoffice address?
A James Waterfallen, 44 years, Peggs, Oklahoma.
Q Are you an enrolled Cherokee citizen?
A Yes, full blood. (Cherokee roll No. 25970)
Q Who is your wife and is she an enrolled Cherokee citizen?
A Yes, Wilda Johnson (Cherokee Roll No. 18816)
Q Have you any children who are enrolled? A Yes.
Q Give me their names and ages?
A Eli 19 years (25972)
Annie 12 years (25973)
Bessie 10 years (25974)
Q Have you any children not enrolled? A Yes, one boy, John.
Q How old is he? A He will be seven next birthday.
Q When was he born? A December 3, 1903.
Q Have you any bible or other record of this date?
A Yes, I got it in a book.
Q Please let me see the book and entry?
A I left it home; it is a small book; I put it down when the children are born or die.
Q Was there a doctor or wife in attendance on your wife when John was born? A My wife's daughter and myself; no doctor;
Q What is your wife's daughter's name whom you say was present when John was born? A Lucy Waterfallen; She is enrolled as Lucy Arnold (Cherokee No. 16186)
Q Have you ever made application for the enrollment of John before now? A No.
Q Why not? A Because I was a Night Hawk.
Q Can you in any manner make the date of the birth of John Waterfallen more positive? A No, unless I had that book here
Q Will you please bring that book to us here, or send it to the Dawes Commission? A Yes, as soon as I go home and find it.
Witness excused.

Note The child was present and appeared to be of the blood and age claimed.

2-Waterfallen

Lucy Waterfallen being first duly sworn, testified as follows, through Interpreter R. L. Taylor.

Q What is your name, age and postoffice address?
A Lucy Waterfallen, enrolled as Lucy Arnold; 26 years old; Postoffice Gideon, Arkansas.
Q Are you an enrolled Cherokee Citizen?
A Yes (Cherokee roll No. 16186)
Q Do you know Wilda Waterfallen? A Yes, she is my mother.
Q Do you knew this child, John Waterfallen?(indicating the child John) A Yes, he is my brother; the child of James and Wilda Waterfallen
Q Were you present when he was born? A Yes, I waited on my mother when he was born.
Q When was he born? A Dece,ber 3, 1903.
Q Have you a bible or other record of that date?
A No, but my father and mother have.
Q Did you give this date from memory or reading from the record
A Both.
Q Your father has stated that he would present the record of the date of thebirth of this child; will you please attend to it and see that he does? A Yes.

Witness excused.

S. A. Mills being first duly sworn states that the above and foregoing is a true and correct copy of his long hand notes taken at Tahlequah, Oklahoma, November 16, 1910, in the above entitled enrollment case.

S. A. Mills

Subscribed and sworn to before me this 1 day of Decembe-,1910

R. P. Harrison
Clerk of the United States Court for the Eastern District of Oklahoma,

By D W Bynum Deputy.

JUL 24 1913

90635

28.

MEMORANDUM.

John Waterfallen, minor full blood Cherokee, born Dec.3, 1905, still living and produced at the hearing.

The name John Waterfallen appears on Eastern Cherokee roll, No.28378 but not on E. C. T. roll.

Father- James Waterfallen, P. O. Beggs, Okla., Cherokee full blood, roll No. 25970.

Mother - Wilda Waterfallen- enrolled as Wilda Johnson, Cherokee full blood, Roll No. 18616.

Brother - Eli Waterfallen, Cherokee full blood, Roll No.25972

Sister - Annie Waterfallen, " " " " " 25973

Sister - Bessie Waterfallen, " " " " " 25974

Witnesses- November 16, 1910, father, mother and Lucy Arnold, daughter of the mother, who waited on the mother when child was born. Birth affidavit filed.

No prior application made by the father because he was a Night Hawk. Child produced at hearing and appears to be of the age and quantum of Indian blood claimed.

Both parents being full blood enrolled Cherokees and child living March 4, 1906, it is recommended that John Waterfallen be enrolled as a minor full blood Cherokee Indian.

20

Act of Congress Approved April 26, 1906

IN RE

Application for Enrollment of

~~INFANT~~ Minor CHILD

John Waterfall

as a citizen of

Cherokee Nation

Approved 190

Commissioner.

Office of Indian Affairs
Received Jul 24 1913
90635

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Enrollment of Minors. Act of Congress, Approved April 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of [illegible] Waterfallen, born on the 3rd day of December, 1903
Name of Father: James Waterfallen a citizen of the Cherokee Nation. No. 5970
Name of Mother: Wilda Lavina Waterfallen a citizen of the Cherokee Nation. No. 18816
Wilda Waterfallen enrolled mother Full Blood No. 18816 Pegga, Oklahoma.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, [illegible] State of Oklahoma
Cherokee County [illegible]

I, Wilda Johnson Waterfallen, enrolled as Wilda Johnson No. 18816, on oath state that I am 44 years of age and a citizen by Blood of the Cherokee Nation No. 18816; that I am the lawful wife of James Waterfallen, who is a citizen, by Blood of the Cherokee Nation No. 5970; that a male child was born to me on 3rd day of December, 1903; that said child has been named John Waterfallen, was living March 4, 1906, and is now living and present with me.

Wilda Johnson Waterfallen
her
X
mark

Witnesses to Mark:
(Post Office Address) George Reed #1412 Newton st, Washington, D C.
P. L. Taylor, Westville Ok

Subscribed and sworn to before me this 17th day of November 1910.

(Seal)

R. P. Harrison, Clerk
By C. A. Mills Deputy.
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

State of Oklahoma
UNITED STATES OF AMERICA, [illegible]
Cherokee County [illegible]

I, Lucy Waterfallen, enrolled as Lucy Arnold No. 16 881, a daughter of Wilda Waterfallen, on oath state that I attended on Wilda Waterfallen, wife of James Waterfallen, on the 3rd day of December, 1903 that there was born to her on said date a male child; that said child was living March 4, 1906, was not thereafter reported to me to have been named John Waterfallen and is living and present with its parents.

Lucy Waterfallen

Witnesses to Mark:
(Post Office Address) [illegible]

Subscribed and sworn to before me this 17th day of November 1910.

(Seal)

R. P. Harrison, Clerk
By C. A. Mills Deputy
Notary Public.

Office of Indian Affairs
Received Jul 24 1913
90635

COPY

Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as a Cherokee citizen of John Waterfallen, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc. L-63

Cher 11122
Anderson Waters

Cher 11122

JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a Cherokee Citizen, of Anderson Waters, who is shown to be enrolled upon the Eastern Cherokee Roll opposite No.28427, and is shown to be not upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had at Braggs, Oklahoma, December 28, 1910, by Mr. S.A. Mills, on behalf of the Commissioner.

Examination by Mr. Mills:

Joe Waters being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Joe waters; age about 31 years old; P.O., Braggs, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#29118)
Q What is your wife's name? if you have one? A Hattie Waters.
Q Is she an enrolled Cherokee Citizen? A Yes. (See F.C.R.#29119)
Q What children have you, if any, by your wife Hattie? A Just two; Richard and Anderson, and a step-son John Smith Jr.
Q Was your son Richard and step-son enrolled? A Yes. (See F.C.R.# 29120 and 29121)
Q Was your son Anderson ever enrolled? A Only on the Eastern Cherokee Roll. (See E.C.R.#28427)
Q Did you ever make application for his enrollment upon the Final Rolls before the Dawes Commission?of your son Anderson? A Yes; but they told me it was too late.
Q Did you ever hear any more about it? A No sir; not until I received your letter.
Q When was your son Anderson Born? A On Oct. 11, 1904.
Q Have you a written record of the date of that birth? A Yes.
Q Please let me see that record? A I haven't git it with me, but I have it alright.
Q Why did you not bring it with you? A Because I forgot it.
Q Who was present when your son Anderson was born? A Lucy Holt.
Q Where is Anderson now? is he alive? A Yes sir; here he is--indicating the child.
Q Where is Hattie, your wife and the mother of your son Anderson? A She is dead.
Q When did she die? A She died on Aug. 29, 1909.

Nancy Holt being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Nancy Holt; age about 59 years olf; P.O., Braggs, Okla.
Q Are you an enrolled Cherokee Citizen? A No; I am an enrolled Cherokee Freedman. (See F.C.Freedman Roll No.992)
Q Are you well acquainted with Joe waters? A Yes sir.
Q Was you present at the time of the birth of a son to them by the name of Anderson? A Yes sir.
Q When was that son Anderson born? A I don't know.
Q Where is Anderson now? A Thereshe is--indicating the child.
Q How old is this boy Anderson? the son of Joe and Hattie Waters? A About six or seven years old.

Q You kept no written record of this event? A No; I have no education, and cannot write.
Q Are you sure beyond any question of a doubt that that child was born not less than six years ago? A Yes; over six years ago.
Q Where is the mother of this child now, Hattie waters? A She is dead. She died a year ago this last Fall.
Q Did you wait on her at the time that their son Anderson waters was born? A Yes sir; as midwife.

The child is present and appears to be of the age and blood claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 10th day of January, 1911.

R. P. Harrison, Clerk.
By Edward McGrick
Deputy.

OF INDIAN AFFAIRS
RECEIVED
JUL 22 1913
90635

M E M O R A N D U M.

Cher. J. 99.

Anderson Waters, P.O., Braggs, Okla., on Eastern Cher. roll, No. 28427, not on F. C. T. rolls, born Oct. 11, 1904, produced at the hearing and appeared to be of the age and blood claimed.

Father -- Joe Waters, Cher. full blood, roll No. 29118.

Mother -- Hattie Waters, deceased Aug. 29, 1909, Cher, full blood, roll No. 29119.

Brother -- Richard Waters, Cher. full blood, roll No.29121.

Witnesses - father and Nancy Holt, colored, midwife.

Recommended that Anderson Waters be enrolled as a minor Cherokee full blood.

BIRTH AFFIDAVIT 199

90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Anderson Waters [Here insert name of child], born on the 11th day of October 1904.

Name of Father: Joe Waters a citizen of the Cherokee Nation.

Name of Mother: Hattie Waters - Deceased a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll # 29118 Tribal enrollment of mother Cherokee Roll # 29119.

Postoffice Braggs, Okla.

AFFIDAVIT OF ~~MOTHER~~ Father.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Muskogee County ~~District~~.

I, Joe Waters, on oath state that I am about 31 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful ~~wife~~ husband of Hattie Waters - Deceased, who ~~is~~ was a citizen, by Blood, of the Cherokee Nation; that a male [Male or Female] child was born to me on 11th day of October, 1904.; that said child has been named Anderson Waters, and was living March 4, 1906, and is now alive and living with me.

Joe W. Waters

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 28th day of December 1906

R. P. Harrison - Clerk
By A. Willis - Deputy ~~Notary Public~~.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma
Muskogee County ~~District~~.

I, Lucy Hoax, a midwife, on oath state that I attended on Hattie Waters, wife of Joe Waters on or about the 11th day of October, 1904; that there was born to her on said date a male [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Anderson Waters and he is now alive and living with his Father.

Lucy X Hoax

Witness: P. C. Braggs Roll # 992

WITNESSES TO MARK:

[Must be Two Witnesses] { W. E. Foltz Muskogee Okla.
A. Willis Muskogee Okla

Subscribed and sworn to before me this 28th day of December 1906

R. P. Harrison - Clerk
By A. Willis - Deputy ~~Notary Public~~.

Cher 11123
Simon Welch

Cher 11123

JUL 24 1913
90635

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Hulbert, Oklhoma, November 18, 1910.

In the matter of the application for the enrollment as a Cherokee citizen of Simon Welch, who appears on the Eastern Cherokee roll, but does not appear on the final roll of the Commissioner to the Five Civilized Tribes.

Testimony taken before George Reed
Clerk of the Commissioner of
Indian Affairs.

John Welch being first duly sworn testified as follows, through United States Indian Policeman R. L. Taylor, Interpreter:

Q What is your name, age and postoffice address?
A John W elch,, ; 39; Hulbert, Oklahoma.
Q Are you an enrolled Cherokee citizen?
A Yes, full blood (Cherokee No. 21391)
Q What is your wife's name? A Nancy Welch.
Q Is she a full blood Cherokee and enrolled?
A Yes, full blood (Cherokee roll No. 21392)
Q Have you any children enrolled?
A Yes, boy Luke (Cherokee No. 21393)
Q Have you any children not enrolled? A Yes, a boy and girl
Q What is the boy's name? A Simon.
Q Who is the mother of Simon? A Nancy Welch, my wife.
Q When was he born. What year, month and day?
A February 4, 1904.
Q Have you any record of the date of the birth of Simon?
A Yes, ay home; I have a copy of it here.
Witness submits copy showing in Cherokee the following letters and figures:

Q What is the girl's name? A Bessie.
Q When was she born? A January 30, 1906.
Q Have you any record of the date of Bessie's birth?
A Yes.
Q Please let me see it.
Witness shows copy of a record in Cherokee showing:

Q Are these the two dates and two copies of the entries of the original, as to dates of the borth of Simon and Bessie, your children? A Yes.
Q Where did you get this copy? A I made it from a book at home
Q Is that book an original record? A Yes, I made them when t the children were born.

2-Nancy Welch.

Q Will you let me see the original record of the dates of the births of Simon and Bessie? A Yes, when we get home.
Q Who is the mother of Simon? A Nancy Welch?
Q Who is the mother of Bessie? A Maggie Whitekiller.
Q Is she enrolled as a Cherokee citizen? A Yes (16538)
Q Is she a full blood? A No, some white.
Q Who does Bessie live with? You?
A No, with its grandmother, Osie.
Q Who was present at the time of the birth of Simon?
A Sarah Hyder (17783)
Q Who was present when Bessie was born? A Betsey Tucker, her grandmother (16537).
Q Was any doctor present at either of these children's births?
A No .
Q Have you ever heretofore made application for the enrollment of Simon and Bessie? A No.
Q Why didn't you? A Jesse Wofford came around and said he would attend to it but I guess he didn't.
Q Were you married to Maggie Whitekiller?
A No. Nancy, my wife and I separated for awhile and I lived with Maggb, and then we separated and Nancy came back to me and we live together now.
Q Are both these children now alive? A Yes.
Q Where are they living? A Simon is living with us and Bessie is living with her grandmother Osie.
Q Where does Osie live? A Near Rose.
Witness excused.

Note Simon Welch was present and appeared to be of the age and blood claimed for him.

The next day (November 19, 1910) we saw the child Bessie at its grandmothers Osie; we interrogated the grandmother but she either would not or could not give any testimony in the matter, and I was informed by the interpreter, R. L. Taylor, and John Bigfeather, a citizen residing in the same vicinity that Osie was opposed to enrollment and allotment and was considered one of the so called Night Hawks.

See Cherokee Enrollment No. 16538 for Betsey Tucker, mother of Maggie Whitekiller.

The child Bessie appeared to be less than five years old

I, S. A. Mills, hereby certify that the above and foregoing is a true and correct copy of my long hand notes taken in the above entitled enrollment case on November 18, 1910, at Hulbert, Oklahoma. S A Mills

Subscribed and sworn to before me this ___ day of December, 1910

R. F. Harmon
Clerk of the United States Court for the Eastern District of Oklahoma,

By D W Bynum Deputy

3-Simon Welch, Continued.

Sarah Hyder, being first duly sworn, testified as follows, through R. L. Taylor, Interpreter.

Q Give me your name, age and postoffice address?
A Sarah Hyder; about 60; Hulbert, Oklahoma.
Q Are you an enrolled Cherokee citizen?
A Yes, full blood (17783)
Q Are you the mother of John Welch? A Yes.
Q Did you wait on your daughter-in-law, Nancy Welch when a child Simon was born to her? A Yes.
Q Is Simon still living? A Yes.
Q How old will Simon be his next birthday? A Bout 7 years old
Q Can you give me the year, month and day when Simon was born?
A February 4, 1904.
Q Did you make an entry of the date of Simon's birth? A No, my son did; he has it in a book.
Q Is the mother of Simon still living? A Yes.
Q Has your son John a child named Bessie? A Yes.
Q Who is the mother of Bessie? A Maggie Whitekiller.
Q Where is Maggie Whitekiller now? A Don't know; they say up near Rose.
Q Is Bessie now living? A Yes.
Q Where is Bessie? A She's living with her grandmother Osie.
Q Who is Osie? A Sometimes called Betsey Tucler.
Q When was Bessie born? A January 30, 1906.
Q How do you fix that date as being the date of the birth of Bessie? A John has it in a book.
Q Have you any other way of fixing the date of the births of Simon and Bessie other than the entries in your son John's book? A No.

Witness excused.

Nancy Welch being first duly sworn, testified as follows: Through Interpreter R L. Taylor.

Q What is your name, age and postoffice address?
A Nancy Welch, 31; Hulbert, Oklahoma.
Q Are ypu an enrolled citizen of the Cherokee Nation?
A Yes, full blood. (Cherokee No. 21392)
Q Are you the wife of John Welch, a Cherokee citizen? A Yes.
Q Have you a child called Simon? A Yes
Q How old is he? A Going on seven years old.
Q When was he born. A February 4, 1904.
Q Have you any record of the date of the birth of your son Simon? A Yes.
Q Please let me see the record
Here record was shown which shows in Cherokee as follows:

Q Who was present when Simon was born? A My mother, Sarah Hyder waited on me.
Q Did you have a doctor? A No.
Q Is Simon now living? A He's here(indicating child)
Q Has Simon been enrolled? A No.
Q Have you or his father ever made application for his enrollment? A Yes, we told Jesse Wofford all about it.

:)s

4-Simon Welch, continued.

Q Did you ever hear any more about it? A No.

Witness excused.

In re Bessie Welch:

Nancy Welch being duly sworn, testifidd as follows, Through Interpreter R. L. Taylor:

Q What is your name, age and postoffice address?
A Nancy Welch; about 31; Hulbert, Oklahoma.
Q Do you know Bessie Welch? A Yes.
Q Who is she? A She's a girl--child of Maggie Whitekiller and my husband, John Welch.
Q Where is she now? A Living with Osie, her grandmother up the creek.
Q How old is Bessie. A Going on six years old.
Q When was she born? A January 30, 1906.
Q Have you a book record of the date? A Yes.
Here witness shows family record, showing in Cherokee as follows:

Q Were you present when Bessie was born? A No, I was separated from John and John and Maggie was living together.
Q Is Bessie living now? A Yes, she lives with Osie who is r raising her.
Q Where is Maggie now? A She is living with a man near Rose, Oklahoma.
Q Do you know if Bessie is enrolled? A No.
Q Who made therecord you have shown here? A My husband, John Welch.

Witness excused.

I, S. A. Mills, hereby certify that the above and foregoing is a true and correct copy of testimony taken by me in long hand at Hulbert, Oklahoma, on November 18, 1910, in the matter of the enrollment of Simon Welch and Bessie Welch.

S. A. Mills

Subscribed and sworn to before me this 17 day of December, 1910

R. P. Harrison
Clerk of the United States Court for the Eastern District of Oklahoma.

By D. W. Bynum Deputy

MEMORANDUM. 90635

Simon Welch, minor full blood Cherokee, born February 4, 1904, still living, produced at the hearing and appeared to be of the age and a full blood child. Nov 18, 1910

Bessie Welch, born January 30, 1906, produced but did not appear to be of the age claimed. Nov 18, 1910

Father, John Welch, P. O. Hulbert, Okla., Cherokee full blood Roll No. 21391.

Mother, Nancy Welch, P. O. Hulbert, Cherokee full blood, Roll No. 21392.

Witnesses- November 18, 1910, father, mother and midwife named Sarah Hyder, mother of John Welch, the father.

As to prior application the father testified "Jesse Wofford came around and said he would attend to it but I guess he didn't".

Simon Welch is the child of enrolled parents who were married and living together while Bessie Welch is the illegitimate issue of two enrolled citizens but who were not married but just lived together and Bessie, following status of her mother Maggie Whitekiller, Cherokee by blood, Roll No. 16438, Bessie Welch is also entitled to enrollment and it is recommended that Simon Welch be enrolled as a minor full blood Cherokee and Bessie Welch be enrolled as a minor Cherokee by blood.

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Simon Welch et al.

as a citizen of

Cherokee Nation.

Approved ..... 190...

.....

Commissioner.

Lee Miller Roll

BIRTH AFFIDAVIT. 199

90635

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Simon Welch, born on the 4th day of February 1904
(Here insert name of child)

Name of Father: John Welch a citizen of the Cherokee Nation No. 21391

Name of Mother Nancy Welch a citizen of the Cherokee Nation No. 21392

Tribal enrollment of father Cherokee No. 21391. Tribal enrollment of mother Cherokee No. 21392

Postoffice Hulbert Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma
Cherokee County, District.

I, Nancy Welch Cherokee 21392, on oath state that I am 31 years of age and a citizen by blood of the Cherokee Nation; that I am the lawful wife of John Welch, who is a citizen, by blood of the Cherokee Nation no. 21391; that a male child was born to me on 4th day of February 1904, that said child has been named Simon Welch and was living March 4, 1906, and is still living and present with me.
(Male or Female)

her
Nancy X Welch
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Weston St. Washington D.C.
R. L. Taylor Westville Ok }

Subscribed and sworn to before me this 18th day of November 1906

R. P. Harrison - clerk
By A. Miller, Deputy - Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, State of Oklahoma
Cherokee County, District.

mother of John Welch

I, Sarah Hoyder Cherokee 21393, mid wife on oath state that I attended on Nancy Welch, wife of John Welch on the 4 day of February 1904; that there was born to her on said date a male child; (Male or Female) that said child was living March 4, 1906, and is said to have been named Simon Welch. and is still living with his father John Welch.

her
Sarah X Hoyder
mark

WITNESSES TO MARK:

[Must be Two Witnesses] { George Reed 1488 Weston St. Washington.
R. L. Taylor Westville Ok }

Subscribed and sworn to before me this 18th day of November 1906

R. P. Harrison - clerk
By A. Miller, Deputy - Notary Public.

Pertaining Cherokee
in File in Case # 30

DEPARTMENT OF THE INTERIOR 1913

90635

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Bessie Corbett

as a citizen of

Cherokee Nation.

Approved..... 190...

.....

Commissioner.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Bessie Welch [Here insert name of child], born on the 30th day of January 1906

Name of Father: John Welch, a citizen of the Cherokee Nation, #21391

Name of Mother Maggie Whitekiller, a citizen of the Cherokee Nation #16538.

Tribal enrollment of father Cherokee #21391 Tribal enrollment of mother Cher. B.B. #16538.

Postoffice Hulbert, Oklahoma.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma.
Cherokee County District. }

I, John Welch, on oath state that I am 39 years of age and a citizen by Blood, of the Cherokee Nation No. 21391

that I ~~am the lawful wife of~~ lived with Maggie Whitekiller, who is a citizen, by Blood, of the Cherokee Nation, No. 16538 that a female [Male or Female] child was

born to ~~me~~ her on the 30th day of January, 1906; that said child has been named Bessie Welch and was living March 4, 1906, and said child living now with its grandmother, Betty Tucker.

John Welch

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this 18th day of November 1906

R. P. Harrison - Clerk
By A. Mills, Deputy - ~~Notary Public~~.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, } State of Oklahoma
Cherokee County District. } Me saw child, close to 4 days?

I, ..., a ....., on oath state that I attended on ....., wife of .....

on the .....day of..... 1..... that there was born to her on said date a ..... [Male or Female] child; that said child was living March 4, 1906, and is said to have been named .....

.....

WITNESSES TO MARK:

[Must be Two Witnesses] { .....
.....

Subscribed and sworn to before me this .....day of ..... 1906.

.....
~~Notary Public~~.

Office of Indian Affairs.
Received Jul 24 1913
90635

COPY

Muskogee, Oklahoma, December 10, 1910

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as a Cherokee citizen of Simon Welch, taken in the course of my investigation.

Respectfully,

Enc. L-61

Assistant Attorney.

Cher 11124
Sallie Ellen West

Cher 11124

INDIAN AFFAIRS
JUL 26 1912
90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation, of Sallie Ellen West. Land Div. 1935.

PROCEEDINGS had at Muskogee, Oklahoma, January 14, 1911, before Mr. S. A. Mills, on behalf of the Commissioner.

Examination by Mr. Mills:
William D. West, being first duly sworn, testifies as follows:
Q What is your name? A William D. West.
Q What is the child's name? A Sallie Ellen West.
Q How old are you? Mr. West? A About 45 years old.
Q What is your Post Office? A Lynch, Okla.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q What is your wife's name? A Leona C. West.
Q Is she a citizen by blood? A Yes sir.
Q Do you remember your roll number? A No sir; I don't.
Q You have no papers to show it, have you? A No Sir.
(An examination of the Roll of Citizens by blood of the Cherokee Nation shows that opposite No. 7109 the name of William D. West, age 36, 1/4 blood, Census Card 2833; immediately following said name on the Roll, at wo. 7110, appears the name of Leona C. West, age 25, 1/4 blood, C.C. No.2833.)
Q Have you a child who has been enrolled upon the Final Rolls? A Yes sir.
Q What is the name of that child? A Walter A. West. (Opposite Final Cherokee Roll No.7111.)
Q Have you a child who is not upon the Final Rolls of the Five Civilized Tribes? A Yes sir.
Q What is the name of that child? A Sallie Ellen.
Q How old is this child Sallie Ellen? A About five years and a little over.
Q When was Sallie E., your child, born? the year, month and day? A I think September 12, 1905.
Q Have you a written record of that event? A I have.
Q Let me see that record, please? A
(Here witness introduces Family Bible, on the last page of same appears the following entry: "Sallie Ellen West, born September 12, 1905."
Q Who made this record? A My wife.
Q Is this child, Sallie E., now alive? A Yes sir; here she is. (Indicating the child) She is living with me.
Q Have you ever heretofore made application for the enrollment of this child? A Not on this Roll.
Q What Roll do you refer to? A She is on the Eastern Emigrant Roll.
Q Did she participate in the distribution of the Eastern Cherokee fund? A She did.
Q You say you have never heretofore made application for Sallie to be enrolled upon the Final Rolls of the Five Civilized Tribes before the Dawes Commission; why did you not make such application? A This squabble in the lawsuit came up and

they said to wait and hold on, there would be time enough anyway.
Q Who was present when Sallie was born? A Her grand-mother, Ellen Taylor and myself.
Q Give the present wherabouts of Ellen Taylor? A She lives near Length, Okla.
Lynch

Leona C. West being first duly sworn testifies as follows:
Q State your name, age and post office address? A Leona C. West; age 33 years old; P O., Lynch, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R. #7110).
Q Are you the wife of William D. West, the witness preceeding you? A Yes sir.
Q Have you a child known as Walter A. West? A Yes sir. (See F.C.R. #7111.)
Q Have you a child named Sallie E. West? A Yes sir.
Q Who is the father of Sallie E. West? A Wm D. West.
Q When was your child Sallie E. West born? A 12th day of September 1905.
(Here witness introduces the same family Bible introduced by the preceeding witness, showing the record of the birth of Sallie E. West to be September 12, 1905.)
Q Is your daughter Sallie nowalive and living with you? A Yes sir.
Q Have you ever made any effort to have her enrolled upon the Final Rolls of the Five Civilized Tribes? A No sir.
Q Who was present when Sallie was born? A My mother and my husband.
Q What is your mother's name? A Ellen Taylor.

The child is present and appears to be of the age and blood claimed.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 21st day of January, 1911.

Edward Herrick
Notary Public.

JUL 24 1913
90635

MEMORANDUM.

Cher.143

Sallie E. West, born Sept. 12, 1905, living March 4, 1906 and now living with her parents at Lynch, Okla. Jany 14, 1911

Name of Sallie E. West appears opposite No. 28935 upon the Eastern Cherokee roll but not upon E. C. T. Roll.

Father- William D. West, P. O. Lynch, Okla. Roll No. 7109- one-fourth blood Cherokee.

Mother- Leona C. West- Roll No. 7110- one-half 1/4 blood Cherokee.

No application made previous to January 14, 1911 because of "this squabble in the law suit came up".

Testimony of father and mother taken. Another child named Walker A. West, 2 years old, enrolled. See Roll No. 7111.

Child Sallie E. West produced at hearing and appeared to be of the age and blood claimed.

Recommended that Sallie E. West be enrolled as a Cherokee minor citizen of 1/8 degree of blood.

Dawes 143

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved April 26, 1906.

90635

as a citizen of

..... Nation.

Approved..... 190...

.....

Commissioner.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Sallie E West (Here insert name of child), born on the 12 day of September 1905.

Name of Father: William D West a citizen of the Cherokee Nation.

Name of Mother Leona C West a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll No 7109. Tribal enrollment of mother Cherokee Roll No 7110.

Postoffice Lynch, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Muskogee County, ~~District.~~

I, Leona C West, on oath state that I am 33 years of age and a citizen by blood, of the Cherokee Nation; that I am the lawful wife of William D West, who is a citizen, by blood, of the Cherokee Nation; that a Female [Male or Female] child was born to me on 12 day of September 1905.; that said child has been named Sallie Ellen West and was living March 4, 1906. and is now alive and living with me.

Leona C West

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 14th day of January 1906.

R P Harrison Clerk
By Allie - Deputy Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory,~~ State of Oklahoma
Muskogee County, ~~District.~~

I, William D West, a, on oath state that I attended on Leona C West my wife of on the 12 day of September 1905.; that there was born to her on said date a Female [Male or Female] child; that said child was living March 4, 1906, and is said to have been named Sallie Ellen West

W. D. West

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 14th day of January 1906.

R P Harrison - Clerk
By Allie - Deputy - Notary Public.

Cher 11125

Allen Wilkerson

Cher 11125

90635

MEMORANDUM

Allen Wilkerson - minor Cherokee by blood, born February 21, 1903, died October 27, 1906.

The name Allan Wilkerson appears on Eastern Cherokee Roll No. 29214, but not on E. C. T. roll.

Father- Leonard W. Wilkerson, 1/4 blood Cherokee, Roll No. 17613.

Mother - Lydie Wilkerson - a non-citizen white woman.

Certified copy of record of marriage shows marriage of Leonard W. Wilkerson to Mrs. Liddie Coltson on Nov. 26, 1903, according to United States law.

No application was made prior to March 4, 1906, through ignorance.

Birth affidavit of mother with that of attending physician C. W. Vowell, shows that the child died on Oct. 27, 1906.

Father being an enrolled citizen and the mother being legally married to him, the child living on March 4, 1906, was entitled to enrollment and it is so recommended.

OF INDIAN AFFAIRS
635

Marriage License

UNITED STATES OF AMERICA,
Indian Territory, Northern District. } ss:

No. 483

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You Are Hereby Commanded to Solemnize the Rite and Publish the Banns of Matrimony between Mr. Leonard W. Wilkerson of Stavilla In the I T [redacted], aged 36 years, and Mrs. Lillie Coltson of Stavilla in the I.T. [redacted], aged 23 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, [redacted], this 26" day of Nov. A. D. 1901

Seal.

Chas. A Davidson Clerk of the United States Court,

By Wm R. Shackelford Deputy.

Certificate of Marriage

CERTIFICATE OF TRUE COPY

STATE OF OKLAHOMA,
County of Muskogee, } ss.

I, WM. F. WELLS, Clerk of the County Court within and for the County of Muskogee, State of Oklahoma, hereby certify that the above and foregoing is a true and correct copy of the Marriage License and Certificate {issued / made} in this matter, as the same appears from the records of my office.

In Witness Whereof, I hereunto set my hand and affix the official seal of this Court at Muskogee, Oklahoma, this 7th day of November, 1912.

Wm F Wells

Clerk of the County Court.

OF INDIAN AFFAIRS
RECEIVED
NOV 24
635

Marriage License

UNITED STATES OF AMERICA, Indian Territory, Northern District. } ss: No. 482

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You Are Hereby Commanded to Solemnize the Rite and Publish the Banns of Matrimony between Mr. Leonard W. Wilkerson of Stanwilla In the I T, aged 36 years, and Mrs. Lildie Coetson of Stanwilla in the I.T., aged 23 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal, this 26" day of Nov. A. D. 1901

(Seal)

Chas. A. Davidson Clerk of the United States Court

By, Wm R Shackleford Deputy.

Certificate of Marriage

UNITED STATES OF AMERICA, Indian Territory, Northern District. } ss:

I, James T. Gillespie, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 25 day of Nov, A. D. 1901, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and Publish the Banns of Matrimony between the parties therein named.

Witness my hand this 25 day of Nov A. D. 1901

My credentials are recorded in the office of the Clerk of the United State Court, in the Northern Indian Territory, Western District, Book B, Page 98

Filed and duly recorded, this 31 day of Dec 1901

Chas A Davidson Clerk of the United States Court

James T. Gillespie A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Western District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable to the forfeiture of One Hundred Dollars ($100.00).

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES. 90635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Allen Wilkerson, born on the 21st day of February, 1903
[Here insert name of child]
Name of Father: Leonard W Wilkerson a citizen of the Cherokee Nation. No. 17613
Name of Mother: Lydie Wilkerson a ~~citizen of the~~ non citizen, white woman Nation.
Tribal enrollment of father: Cherokee Tribal enrollment of mother. non-citizen
Postoffice. Porum, Oklahoma

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~ Muskogee County
State of Oklahoma, District
I, Lydie Wilkerson on oath state that I am 35
years of age and a citizen by non of the Cherokee Nation Nation;
that I am the lawful wife of Leonard W. Wilkerson, who is a citizen, by
by blood of the Cherokee Nation; that a male child was
[Male or Female]
born to me on 21st day of February 1903; that said child has been named
Allen Wilkerson and was living March 4, 1906, but died on
October 24, 1906.
Lydie her X mark Wilkerson

WITNESSES TO MARK:
[Must be Two Witnesses] Geo. Reed 1468 Newton St., Washington DC.
A. Mills, Muskogee, Okla.

Subscribed and sworn to before me this Second day of November 1906
R. P. Harrison, Clerk
By A. Mills, Deputy. ~~Notary Public.~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~ Muskogee County
State of Oklahoma, District
I, C. W. Powell a physician, on oath state that I
attended on Lydie Wilkerson wife of Leonard W. Wilkerson
on the 21st day of February, 1903; that there was born to her on said date a male
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named Allen Wilkerson and
said child died on Oct. 24, 1906. C. W. Powell M.D.

WITNESSES TO MARK:
[Must be Two Witnesses] Porum Okla

Subscribed and sworn to before me this Second day of November 1906
R. P. Harrison, Clerk
By A. Mills, Deputy. ~~Notary Public.~~

Cher 11126

Tom Woodall

Cher 11126

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Hulbert, Oklahoma, November 16, 1910.

In the matter of the application for the enrollment as a Cherokee citizen of Tom Woodall, whose name appears on the Eastern Cherokee roll, but does not appear on the final roll of the Commissioner to the Five Civilized Tribes.

Testimony taken before George Reed,
Clerk of the Commissioner of Indian Affairs.

Katie Woodall being first duly sworn testified as follows, through United States Indian Policeman R. L. Taylor, Interpreter

Q What is your name, age and postoffice address?
A Katie Woodall, nee Crawford; about 26; Hulbert, Okla.
Q Are you a full blood Cherokee citizen? A Yes.
Q Under what name were you enrolled? A Katie Crawford (16515)
Q Have you a brother named Jack enrolled with you? A Yes.
Q Who is George Vann? A My step-father.
Q Who is Nancy Palone? A My half sister (16516)
Q Have you a child enrolled? A Yes, one, Jim Woodall.
Q How old? A About8 years old
Q Is he a full blood or part blood? A Part blood.
Q Who is the father of Jim ?
A James Woodall (Cherokee roll No. [illegible])
Q What degree of blood is Jim Woodall, the child?
A Part blood (Cherokee roll No. Minor 4397)
Q Have you any other child, not enrolled? A Yes, Tom.
Q When was he born? A January 13; he will be six years old next January.
Q Who was present when Tom was born? A My mother.
Q Any doctor? A No.
Q Where is the father of Tom? A Here in town.
Q Has he ever been enrolled? A Yes (Cherokee roll No. [illegible])
Q Have you or your husband ever made application for the enrollment of Tom before today? A No, thought it was too late
Q Have you any bible or book record of the date of the birth of your son Tom? A No.
Q Can you not in some manner fix the date of the birth of Tom more positively? A No.

Note The child was present and appears to be of part blood and of the age claimed.

Witness excused.

Sallie Vann being first duly sworn testified as follows, through Interpreter R. L. Taylor:

Q What is your name, age and postoffice address?

A Sallie Vann; about 46 years old; Hulbert, Oklahoma.
Q Is Katie Woodall a child of yours by a former marriage?
A Yes.
Q Has Katie Woodall a child by the name of Tom? A Yes.
Q Were you present when Tom was born? A Yes.
Q What day, month and year was Tom born, if you know?
A He was born January 13; don't remember the year.
Q How old will Tom be next birthday? A Six years old.
Q Have you any bible or book record of the date Tom Woodall was born? A No, I know that is his right age though.
Q Have you any other way of fixing that age? A No, only what I remember.

Witness excused.

I/ S. A. Mills hereby certify that the above and foregoing is a true and correct copy of my lonh hand notes taken in the above entitled enrollment case, on November16, 1910, at Hulbert, Oklahoma.

S A Mills

Subscribed and sworn to be fore me this 9 day of December,1910

R. P. Harrison
Clerk of the United States Court for the Eastern District of Oklahoma.

By D W Bynum Deputy.

MEMORANDUM.

90635

Tom Woodall- minor Cherokee by blood, born January 13, 1905.
Still living and produced at hearing and appears to be of the age and quantum of blood claimed.

Father- James Woodall, Cherokee blood, Roll No. 8346.

Mother - Katie Woodall, enrolled as Katie Crawford, Cherokee full blood, Roll No. 16515. P. O. Hulbert, Okla.

Witnesses - Nov. 16, 1910, - mother and grandmother, Sallie Vann of Hulbert, Okla., who was present in attendance on the mother at the birth of the child.

The name Tom Woodall appears on the Eastern Cherokee Roll No. but not on P. C. T. roll.

Both parents being enrolled and the child having been born prior to March 4, 1906 and living on that date, it is recommended that Tom Woodall be enrolled as a minor Cherokee by blood.

JUL 24 1913
90635

Muskogee, Oklahoma, December 10, 1910.

Hon. W. W. Hastings,

Tahlequah, Oklahoma.

Sir:

There is enclosed herewith copy of testimony respecting the enrollment as a Cherokee citizen of Tom Woodall, taken in the course of my investigation.

Respectfully,

Assistant Attorney.

Enc.L-65

Cher 11127

Edgar Ervin Wright

Cher 11127

INDIAN AFFAIRS
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DEPARTMENT OF THE INTERIOR

Muskogee, Oklahoma, February 1, 1911.

In the matter of the application for the enrollment of Edgar Ervin and William S. ~~Rice~~ Wright as citizens by blood of the Cherokee Nation.

Proceedings had at the office of the Commissioner to the Five Civilized Tribes, Muskogee, Oklahoma, January 31, 1911, before Charles F. Bliss, Supervising District Agent.

William C. Rice, being first duly sworn, testified as follows:

By Mr. Bliss:

Q What is your name? A William C. ~~Rice~~ Wright.
Q How old are you? A I was thirty years old the 3rd of last Nov.
Q What is your postoffice address? A Black Gum.
Q Are you a citizen by blood of the Cherokee Nation? A Yes sir.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Lena L. ~~Rice~~ Wright
Q Is she a citizen? A No sir.
Q Who is Lizzie ~~Rice~~ Wright? A My mother.
Q Who is George ~~Rice~~ Wright? A My brother.

The name of William C. ~~Rice~~ Wright is found upon the final roll of citizens by blood of the Cherokee Nation at No. 3726.

Q What are the names of your children for whom you wish to apply? A Edgar Ervin and William Sydney ~~Rice~~ Wright Wright
Q Who is the mother of these children? A Lena L. ~~Rice~~ Wright
Q When were you married to Lena L. ~~Rice~~ Wright? A Well, I was married 9 years ago the 13th of last November.
Q Where were you married? A At Maple Springs.
Q Did you secure a license? A Yes sir.
Q Have you got that license? A I think it has been torn up. There may be a little bit of it left.
Q When was Edgar Ervin ~~Rice~~ Wright born? A He was born, I think, the 18th of February, 1903.
Q When was William S. ~~Rice~~ Wright born? A He was born-- he was five years old the 20th of last November-- No, December.
Q The 20th of last December? A Yes sir.
Q Are both of these children living? A Yes sir.
Q Have they lived with you continuously since their birth? A Yes.
Q You and Lena L. ~~Rice~~ Wright are living together now as husband and wife, are you? A Yes sir.
Q Have you lived together continuously since your marriage? A Yes.
Q Were you ever married before you married Lena L. ~~Rice~~ Wright? A No sir.
Q Was she ever married before she married you? A No sir.
Q Have any applications ever been made for the enrollment of your children, Edgar Ervin and William S. ~~Rice~~ Wright? A Yes sir.
Q When? A At Vian.
Q To whom did you make that application? A Francis was his surname, I have forgotten his given name. He works in the T. S. Johnson mercantile company there at Vian.
Q Do you mean that you went before him and executed some affidavits as to the birth of these children? A Yes sir.
Q What was done with those affidavits? A I left them with him to fix up the acknowledgment and he said he would send them in to the Commission, but he didn't.

Q Did you ever inquire as to whether or not those affidavits were received? A Yes sir.
Q What were you told? A I was told that those affidavits were never received; that they couldn't find any trace of them.

An examination of the records of the Commissioner to the Five Civilized Tribes fail to show the receipt of any applications for the enrollment of Edgar Ervin and William S. Rice. Wright

Q When did you first know that those affidavits were not received at this office? A Well, it has been about three years ago now--about that long.
Q Was it after the rolls were closed? A Yes sir.

Witness excused.

Vester W. Rose, being first duly sworn, states that the above and foregoing is a correct and complete transcript of his stenographic notes taken in the above matter on the date therein mentioned.

Vester W. Rose

Subscribed and sworn to before me this 2nd day of February, 1911.

Edward Kenny
Notary Public.

MEMORANDUM.

90635

Cher. J. 182.

(a) Edgar Ervin Wright, P.O., Blackgum, Okla; born Feb. 18, 1903.

(b) William S. Wright, P.O., Blackgum, Okla.; born Dec. 20, 1905.

Father: William C. Wright, Chero. Roll No. 3726.

Mother: Lena L. Wright.

Other children of the same marriage are George Wright, No. 3727, Nettie M. Wright, No. 3728, Mark C. Wright, No. 3729, and Grace L. Wright, No. 3730.

Bros. & Sis. of William C. Wright (R.S.)

Recommended that Edgar Ervin Wright and William S. Wright be enrolled as minor Cherokees of 1/4 degree blood.

1/8 R.S.

Cher 11128

Charlotte Yahola

Cher 11128

DEC 24 1910

90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as citizens of the Cherokee Nation, of Na-ya-he and Charlotte Yahola, as shown upon the Eastern Cherokee Roll opposite Nos. 30055 and 30057, and are shown not to be upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had at Vian, Oklahoma, December 23, 1910, by Mr. S. A. Mills, on behalf of the Commissioner.

Interpreted by Thomas P. Roach, Official Interpreter, Muskogee, Okla.

Examination by Mr. Mills:

Dave Yahola Being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Dave Yahola, age about 52, P.O. Vian, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#20517)
Q Have you a wife and family? A Yes Sir.
Q What is your wife's name? A Lydia. (See F.C.R.#20518)
Q What are the names of your children? A John, Alex., Rock, Jack, Sam, and Charlotte. (See F.C.R.#20519, 20520, 20521, 20522, 20523)
Q I note upon the final Rolls of the Cherokee Nation of the Five Civilized Tribes that there is one Rock Yahold enrolled? who is he? A That is my stepson.
Q Was he ever known by any other name? A Yes; Na-ya-he.
Q Did you and your family make application for enrollment upon the Eastern Cherokee Roll for the purpose of participating in the distribution of the Eastern Cherokee fund? A Yes sir.
Q Did you make application for onw Wah-yor-he? A No, I have no child by that name.
Q I notice upon the Eastern Cherokee Roll opposite No.30054 and F.C.T. Commission No.20521 the name of Wah-yor-he (Rock); did you make application for such a named person and draw monies for him? A No; that must be a mistake and a confusion of the name Na-ya-he as I have no such named child except Na-ya-he, whose english name is Rock.
Q Then if thename Wah-yor-he appears under your name as a member of your family it is a mistake and should be Na-ya-he; or in other words the Wah-yor-he and Na-ya-he are one and the same person? A Yes.
Q You gave the name of Charlotte as the last name of your children. Is she enrolled upon the Final Rolls of the Cherokee Nation? A No sir, she is not enrolled.
Q Was she enrolled with the balance of your family on the Eastern Cherokee Roll. and participated in the distribution of the Eastern Cherokee money? A Yes. (See E.C.R.#30057)
Q When was your daughter Charlotte born? A She will be six years old the 20th day of next May.
Q Is she now alive? A Yes sir; living with us.
Q Have you any record of the date of the birth of your daughter Charlotte? A No sir.
Q How do you fix the date of her birth to be the 20th day of May, six years ago the 20th of next may? A I just remember it.

Q Have you any other way of fixing the date of the birth of your daughter Charlotte? A No.
Q Then as a matter offact the person called Wah-yor-he (Rock) as shown upon the Eastern Cherokee Roll opposite No.30054 and opposite the F.C.T.Commission No.20521, and Na-ya-he as shown opposite Eastern Cherokee Roll No.30055 are one and the same person and have been enrolled upon the Final Rolls of the Five Civilized Tribes opposite Final Cherokee Roll No.20521? A Yes sir.
Q Have you ever made application heretofore for the enrollment of your daughter Charlotte before the Dawes Commission? A No sir.
Q Then so far as you know shehas not been enrolled upon the Final Rolls of the Five Civilized Tribes? A No sir.

Lydia Yahola being first duly sworn testifies as follows:
Q State your name, age and post office address? A Lydia Yahola, age about 43, P.O. Vian, Okla.
Q Are you the wife ofDave Yahola, a Cherokee Citizen? A Yes.
Q Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#20518)
Q What family of children have you? please state their names? A John, Alex, Rock, Jack, Sam and Charlotte. (See F.C.R.#20519, 20520, 20521, 20522 and 20523)
Q Was your son Rock ever known by any other name? A Yes; he is also known as Na-ya-he, which is Rock in english.
Q Has your son Na-ya-he, or Rock in english, been enrolled upon the Final Rolls of the Cherokee Nation? A Yes: (SeeF.C.R.#20521)
Q Have you a son known as Wah-yor-he? A No.
Q I notice upon the Eastern Cherokee Roll opposite No.30054 the name of Wah-yor-he (Rock), is that the same person as Na-ya-he? A That is the same person.
Q Who drew the Eastern Cherokee Emigrant payment monies for your children? A My husband drew that money.
Q Did you draw any of the Eastern Cherokee Emigrant funds for this, or any of your children, or did your husband draw for all of you? A My husband drew it for me and the children.
Q I note you gave Charlotte as being the last of your children; has Charlotte ever been enrolled upon the Final Rolls of the Five Civilized Tribes? A I don't think she is enrolled.
Q Do you know whether or not any application has been made for the enrollment of your daughter Charlotte before the Dawes Commission? by any one? A No; we were always opposed to enrollment and allottment of the lands.
Q How old is your daughter Charlotte? A Over five years old.
Q When was she five years old? A May 20, I cannot give the year.
Q Have you any written record of the date of the birth of your child Charlotte. A I have no recordwhatever.
Q Can you not fix the year of the birth of your child Charlotte by some circumstance or event? A No sir; none that I know of.
Q Who waited upon you when this child Charlotte was born? who was present? A Lucy McCoy, also known as Lucy Tecumseh, waited upon me; maybe she can tell when Charlotte was born.
Q Where is Charlotte now? is she alive? A Yes; she is alive and living with me.

Lucy McCoy being first duly sworn testifies as follows:

Q State yourname, age and Post Office address? A Lucy McCoy, age about 60, post office address Vian, Okla.

Q Are you an enrolled Cherokee Citizen? A Yes sir; enrolled as Lucy Tecumsey. (See F.C.R.#25063)

Q Are you well acquainted with Dave and Lydia Yahola, Cherokee Citizens? A Yes sir.

Q Was you present at the birth of a child to them named Charlotte? A Yes sir.

Q When was that child Charlotte born? A I remember the child was born on May 20, over five years ago, will be six years old next May.

Q Have you a record of the date of the birth of this child Charlotte? A No sir.

Q How do you fix that date so positively? A Just because I know it.

Q Is that child, Charlotte Yahola, now alive? A Yes sir; and living hith her parents.

Q Can you not in some manner fix the date of the birth of Charlotte Yahola more positively than you testified? A No sir; just as I remember it.

Both Na-ya-he and Charlotte were present at the examination and they appear to be of theage and blood claimed for them.

W. E. Foltz, being first duly sworn, states that the above and foregoing is a true and correct transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 7th day of January, 1911.

R. P. Harrison, Clerk.

By Edward McLeod
Deputy.

INDIAN AFFAIRS
JUL 24 1913
90635

M E M O R A N D U M.

Cher. F. 107.

a Nayahe Yaholahum, Eastern Cherokee roll No. 30055, F.C.T. enrollment not shown. Testimony of father and mother shows that Nayahe is identical with Wah-yov-he (Rock) Yahola, Eastern Cher. roll No. 30054, and is identical with and enrolled as Rock Yaholah, Cher. full blood roll No. 20517. Rock Yaholah's Indian name is Na-yo-he.

b Charlotte Yaholah, born May 22, 1905, on Eastern Cherokee roll, No. 30057, not on F. C. T. rolls.

Father — Dave Yaholah, Cher. full blood, roll No. 20517.

Mother — Lydia Yaholah, Cher. full blood, roll No. 20518

Brothers, John Yaholah, Cher. roll No. 20519, Alex. Yaholah, Cher. Roll No. 20520, Rock Yaholah, Cher. roll No. 20521, Jack Yaholah, Cher. roll No. 20522, and Sam Yaholah, Cher. roll No. 20523.

Dec 23 1910

Charlotte Yaholah, produced at the hearing and appeared to be of the age and blood claimed.

Witnesses — father, mother and midwife.

Recommend that Charlotte Yaholah be enrolled as a minor full blood Cherokee.

BIRTH AFFIDAVIT. 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

90635

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Charlotte Yahola [Here insert name of child], born on the 10th day of May 1905.

Name of Father: Dave Yahola a citizen of the Cherokee Nation.

Name of Mother Lydia Yahola a citizen of the Cherokee Nation.

Tribal enrollment of father Cherokee Roll # 20517. Tribal enrollment of mother Cherokee, Roll # 26578

Postoffice Vian, Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma

Sequoyah County ~~District~~

I, Lydia Yahola on oath state that I am about 42 years of age and a citizen by Blood of the Cherokee Nation; that I am the lawful wife of Dave Yahola, who is a citizen, by Blood of the Cherokee Nation; that a Female [Male or Female] child was born to me on about the 10th day of May 1905; that said child has been named Charlotte Yahola and was living March 4, 1906. and is now alive and living with me.

her
Lydia X Yahola
mark

WITNESSES TO MARK:

[Must be Two Witnesses] Thomas P. Roach Muskogee Okla

Subscribed and sworn to before me this 13th day of December 1906

R. P. Harrison - Clerk
By A. Miller - Deputy Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma

Sequoyah County ~~District~~

I, Lucy McCoy a midwife on oath state that I attended on Lydia Yahola, wife of Dave Yahola on or about the 10th day of May 1905; that there was born to her on said date a Female [male or female] child; that said child was living March 4, 1906, and is said to have been named Charlotte Yahola, and is now alive and living with ~~its~~ parents.

her
Lucy X McCoy Cherokee Roll # 25863
mark
P. O. Vian Okla

WITNESSES TO MARK:

[Must be Two Witnesses] Thomas P. Roach Muskogee Okla.

Subscribed and sworn to before me this 13th day of December 1906

R. P. Harrison - Clerk
By A. Miller - Deputy ~~Notary Public~~.

Cher 11129
Rufus Young

Cher 11129

90635

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as Cherokee Citizen, of Rufus Young, who appearsupon the Eastern Cherokee Roll opposite Roll No. 30080, and is shown to be not upon the Final Rolls of the Five Civilized Tribes.

PROCEEDINGS had at Vian, Oklahoma, December 23, 1910. by Mr. S. A. Mills, on behalf of the Commissioner.

Interpreted by Thomas P. Roach, of Muskogee Okla., Official Interpreter.

Examination by Mr. Mills:

Sallie Yellowbird being first duly sworn testifies as follows:

Q State yourname, age and Post Office address? A Sallie Yellowbird, age about 33 years old, post office Vian, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes sir; enrolled as Sallie Yellowbird. (See F.C.R.#19512)
Q Have you a child named Rufus Young? A Yes sir.
Q Is he enrolled upon the Final Rolls of the Cherokee Nation? A No.
Q Did you ever make any application for his enrollment before the Dawes Commission? No sir; I never did.
Q Why didn't you make application for his enrollment? A Because I didn't understand anything about it.
Q Was he enrolled upon the eastern Cherokee Roll and did he participate in the distribution of the Eastern Cherokee monies? A Yes sir. (See E.C.R.#30080)
Q How old is your son Rufus Young? A Seven years old.
Q When was he born, the year, month and day? A March 10, 1903.
Q Have you a record of that event? A No sir.
Q How do you fix that date so positively in the absence of a record? A He is my only child and I know he was born at that time.
Q Can you fix the date by any particular event that occurred about the time of the childs birth? A No sir; only his birth.
Q Who is the father of your child Rufus Young? A Jack Young.
Q Is he an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.#17888)
Q Were you the lawful wife of Jack Young? A No sir.
Q Who was present at the time of the birth of this child? A Nancy Feather, but she is dead now.
Q Is there any one else now living who can testify as to the time of the birth of your child Rufus Young? A Mr. Wilson Cummings; he has known me and the child ever since he was born.
Q Where is your son Rufus Young now, is he alive? A Yes; here he is. He lives with me.

Wilson Cummings being first duly sworn testifies as follows:

Q State your name, age and Post Office address? A Wilson Cummings, age 63, P.O. Vian, Okla.
Q. Are you an enrolled Cherokee Citizen? A Yes. (See F.C.R.#30001)
Q Are you well acquainted with Sallie Yellowbird? A Yes sir.
Q Is she a Cherokee Indian? A Yes sir.

Q Do you know of her having a son named Rufus Young? A Yes sir; there he is--indicating the child. The same child for whom application is being made.
Q Who is the father of this Rufus Young? A Jack Young. (See F.C.R. #17888)
Q When was this child born? A About March 10, 1903.
Q How do you fix the date to be March 10, 1903? have you a record of that event? A No; I have no record, but I know when the child was born. I lived neighbor to them.
Q Who is that child, Rufus Young, now living with? A The mother and the child are now living with me.
Q Do you know whether or not application has ever heretofore been made for the enrollment of the child before the Dawes Commission? A No; I don't think the boy was ever enrolled.

Alex. McCoy being first duly sworn testifies as follows:
Q State your name, age and Post Office address? A Alex. McCoy, age about 57, P.O. Vian, Okla.
Q Are you an enrolled Cherokee Citizen? A Yes sir. (See F.C.R.# 18081)
Q Are you well acquainted with Sallie Yellowbird and her son Rufus Young? A Yes sir.
Q Is Sallie Yellowbird an Enrolled Cherokee Citizen? A Yes sir. (See F.C.R.#19512)
Q Where is Rufus Young now? A Alive and living with his mother.
Q How old is Rufus Young? A I think he is about eight years old.
Q Have you known him since his birth? A Yes sir; and I have known the mother all her life.
Q Who is the father of Rufus Young? A Jack Young.
Q Was Sallie Yellowbird and Jack Young married? A No sir; they were never married.
Q How do you know that Rufus Young, the purported son of Sallie Yellowbird is the son of Jack Young? A Just because Sallie says that Jack Young was the childs father.
Q Do you know Jack Young, the purported father of Rufus Young? A Yes sir.
Q Did you hear Jack Young, the purported father of this child, acknowledge being the father of this child? A Yes; I heard Jack say it was his boy.
Q Is Sallie Yellowbird and her son Rufus Young considered by the Cherokee Citizens to be Cherokee Indians? A Yes sir; full bloods.
Q When did you see Rufus Young last? A I saw him yesterday.
Q Can you not fix the date of the birth of Rufus Young, whom you say you have known all his live time, a little more closely or positively than that he is about eight years old? A I cannot say the year or month that the child was born, but I know he is eight years old. Sallie Yellowbird and her son Rufus Young have lived with me a part of the time.
Q Have you ever heard Jack Young, the purported father of Rufus Young, state whether or not he had ever made application for the enrollment of this child before the Dawes Commission? A No sir; I never did.

W. E. Foltz Being first duly sworn, states that the above and forsgoing is a true andcorrect transcript of his stenographic notes taken in this case.

W E Foltz

Subscribed and sworn to before me on this 7th day of January, 1911.

R. P. Harrison, Clerk.
By Edward Merrick
Deputy.

90635

Cher. J. 84.

MEMORANDUM

Rufus Young on Eastern Cher. roll 30080, not on F.C.T. roll, PO Vian, Okla, born March 10, 1903, an illegitimate, produced at the hearing Dec 23 1910 and appeared to be of the age and blood claimed.

Mother, Sallie Yellowbird, Cher. roll No. 19512, full blood.

Father, Jack Young, Cher. roll No. 17888, full blood.

No marriage of parents.

No previous application by mother "Because I didn't understand anything about it."

Recommended that Rufus Young be enrolled as a minor full blood Cherokee.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

JUL 1913

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation, 90635

of Rufus Young (Here insert name of child) born on the about 10th day of March, 1903

Name of Father: Jack Young a citizen of the Cherokee Nation.

Name of Mother: Sallie Yellowbird a citizen of the Cherokee Nation.

Tribal Enrollment of Father, Cherokee. Roll No 17888; Tribal Enrollment of Mother, Cherokee. Roll No 19578

Postoffice Vian, Okla

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma

~~District~~. Sequoyah County

I, Sallie Yellowbird, on oath state that I am about 33 years of age and a citizen by Blood, of the Cherokee Nation;

~~that I am the lawful wife of ..., who is a citizen, by ..., of the ... Nation;~~ that a male (Male or Female.) child was born to me on about 10th day of March, 1903; that said child has been named Rufus Young, and was living March 4, 1905. as is now alive living with me. that the Child's father is Jack Young, who is a Citizen by Blood of the Cherokee Nation

Sallie X Yellowbird
mark

WITNESSES TO MARK:

(Must be Two Witnesses) { ...

Subscribed and sworn to before me this 23d day of December, 1910.

R. P. Harrison - Clerk
By D Allison, Deputy. ~~Notary Public.~~

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, ~~Indian Territory~~, State of Oklahoma

~~District~~. Sequoyah County

I, Wilson Cummings, a Cherokee Citizen, on oath state that ~~I attended on the ... wife of ...~~ on the about 10th day of March, 1903; that there was born to Sallie Yellowbird on said date a male (Male or Female.) child; that said child was living March 4, 1905, and is said to have been named Rufus Young, that he is now alive and with his mother is living with me

his
Wilson X Cummings, Cherokee Roll No 30001
mark

WITNESSES TO MARK:

(Must be Two Witnesses) { ...

Subscribed and sworn to before me this 23d day of December, 1910.

R. P. Harrison - Clerk
By D Allison - Deputy. ~~Notary Public.~~

Cher 11130
Viola Grazier

No Dpt. Jacket

Cher 11130

C.F.B.

COPY

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Viola Grazier, et al., as citizens by blood of the Cherokee Nation, consolidating the applications for the enrollment of:

Viola Grazier.....Cherokee 4079
Joseph and Homer M. Grazier.....Cherokee N.B.3500

THE RECORDS OF THIS OFFICE SHOW: That on October 3, 1902, there was filed with the Commission to the Five Civilized Tribes, an application for the enrollment of Viola Grazier as a citizen by blood of the Cherokee Nation, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), and that on June 28, 1906, applications were received at this office for the enrollment of Joseph and Homer M. Grazier as citizens by blood of the Cherokee Nation, under the provisions of Section two of the Act of Congress approved April 26, 1906 (34 Stat. 137).

THE EVIDENCE IN THIS CASE SHOWS: That the applicants herein, Viola, Joseph and Homer M. Grazier, are minor children of Homer M. Grazier (Sr), whose name appears upon the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 9841, and Dora Grazier, a non citizen white woman, who were united in marriage December 1, 1901, and said children were born to them in lawful wedlock; that the said Viola Grazier was born to her said parents August 26, 1902, and was living September 1, 1902, and that said Joseph and Homer M. Grazier were born to their said parents August 18, 1903, and April 21, 1905, respectively, and were living March 4, 1906.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Viola Grazier is entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly granted, and that under the provisions of Section two of the Act of Congress approved April 26, 1906 (34 Stat. 137), Joseph Grazier and Homer M. Grazier are entitled to enrollment as citizens by blood of the Cherokee Nation, and their applications for enrollment as such are accordingly granted.

SIGNED Tams Bixby.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 20 1907.

Extract from letter of J. G. Wright, Commissioner to the Five Civilized Tribes, dated November 15, 1907, containing list of persons which it was considered were entitled to enrollment.

"Viola Grazier, case No. 4079.

Viola Grazier was born August 26, 1902, and is a child of Homer M. Grazier, whose name appears upon the approved roll of citizens by blood of the Cherokee Nation, opposite No. 9841, being enrolled as a three-eighths Indian, and one Dora Grazier, a non citizen of the Cherokee Nation. The application for her enrollment was made October 3, 1902, and on February 20, 1907, the former Commissioner rendered his decision ordering her enrolled as a citizen by blood of the Cherokee Nation. No protest against her enrollment was filed by the attorney for the Cherokee Nation, but through oversight she was not placed upon a schedule of Cherokee citizens and forwarded for departmental approval."

Muskogee, Indian Territory, June 29, 1907.

Homer M. Grazier,

Marcisse, Indian Territory.

Dear Sir:

In reply to an inquiry made by you a few days since as to why you have not received certificates evidencing the allotment selection of your minor daughter, Viola Grazier, you are advised that it has been found that through inadvertence the name of Viola Grazier was omitted from a schedule of citizens of the Cherokee Nation.

This matter has been fully reported to the Department of the Interior and no further action relative to the tentative selection made on her behalf will be taken until this office has been advised by the Department relative to this matter.

Respectfully,

Commissioner.

17

Muskogee, Indian Territory, November 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

June 28, 1907, former Commissioner Kirby called to the attention of the Department certain enrollment cases that were brought to his attention after March 4, 1907, in which it appeared that the applicants were probably entitled to enrollment but were not placed upon the final rolls of the tribes of which they were members, and that in view of Section 2 of the Act of Congress of April 26, 1906, there was no existing law under which they could obtain relief.

July 23, 1907 (I.T. 59745-1907), the Acting Commissioner of Indian Affairs in reporting in the matter, stated:

> "It appears from the Commissioner's letter that the parties mentioned by him are entitled to enrollment and that for various reasons their names were not placed on the roll. As it appears to be thoroughly established that they are as much entitled to enrollment as any of the citizens of the tribes to which they belong, and as there is no existing law by which they can be enrolled, it is recommended that the list be preserved and that the Commissioner to the Five Civilized Tribes be requested to investigate further similar cases to the end that relief may be afforded to all such persons by a special act of Congress, authorizing the placing of their names on the rolls of citizens of the nations to which they belong."

This recommendation was approved by the Secretary of the Interior July 25, 1907.

The question of the advisability of requesting congressional action with a view to affording relief to certain persons not enrolled as members of the Five Civilized Tribes, through fault of

their own or otherwise, was again discussed in the Cherokee case of Alta May Brassfield. The Commissioner of Indian Affairs on August 21, 1907 (I. T. 69588-1907), forwarded this office, for report, a letter from John Brassfield, and on September 10, 1907 (I.T. 73379-1907), in transmitting the report of this office of August 30, 1907, stated:

> "In cases such as the Brssfield, the Mitchell Adams, and a few others that have come to the notice of the Office, where the parties were not enrolled through no fault of their own, but through error of Government Officers, Congress should be requested to enact legislation authorizing their enrollment, and their names should be inserted in the law as was done by Section 9 of the Act of June 30, 1902 (32 Stat. L., 500), in the cases of Ner-wal-le-pe-se, Mary, Walter and Willie Washington, citizens of the Creek Nation.
>
> It is recommended that the Office be authorized to advise the Commissioner to the Five Civilized Tribes as herein indicated, and request him to prepare a list giving the names of the persons whom his record show were legally entitled to enrollment and were omitted through oversight on the part of the Government, in order that the subject may be presented to Congress with a view to protecting their interests."

This recommendation was approved by the Secretary of the Interior September 11, 1907.

In accordance with these instructions I have investigated the records in the citizenship cases in the different Tribes and respectfully submit the following cases which I believe come within the purview of the Department's instructions, to-wit:

CHEROKEES BY BLOOD.

ACT OF JULY 1, 1902 (32 STAT., 716).

Jennie Cloud,
Joe Kingfisher, case No. 7713.

Jennie Cloud, who is a full blood Cherokee Indian, is a daughter of Nelce Crittenden and Ka-lo-nuskee; she was born in the Cherokee Nation about 33 years ago, and has continuously resided therein since her birth to the present time; her name is identified upon the 1880 Cherokee tribal roll, Goingsnake district, at No. 456, as Sinthy Critdenten, and upon the 1894 Cherokee pay roll, Goingsnake district, at No. 664, as Jennie Kingfisher.

Joe Kingfisher, born about 1892, is a son of said Jennie Cloud and one Josiah Kingfisher, whose name appears opposite No. 18653 on the approved roll of Cherokee citizens, being enrolled as a fullblood. Said Joe Kingfisher resided in the Cherokee Nation continuously from his birth until his death, which occurred in 1903 or 1904.
The application for the enrollment of Jennie Cloud and Joe Kingfisher was made April 15, 1902, but their case was, through an oversight, never passed upon.

Viola Grazier, case No. 4079.

Viola Grazier was born August 26, 1902, and is a child of Homer M. Grazier, whose name appears upon the approved roll of citizens by blood of the Cherokee Nation, opposite No. 9841, being enrolled as a three-eighths Indian, and one Dora Grazier, a non citizen of the Cherokee Nation. The application for her enrollment was made October 3, 1902, and on February 20, 1907, the former Commissioner rendered his decision ordering her enrolled as a citizen by blood of the Cherokee Nation. No protest against her enrollment was filed by the attorney for the Cherokee Nation, butthrough oversight she was not placed upon a schedule of Cherokee citizens and forwarded for departmental approval.

Maggie Beamer, case no. 9365.

Application for the enrollment of Maggie Beamer was made June 24, 1902; she is a fullblood Indian about thirteen ro fourteen years of age, a daughter of Sam Beamer, whose name appears opposite No. 18962 upon the approved

roll of citizens by blood of the Cherokee Nation, and one Lydia Beamer, nee Wesley, a Cherokee, who died about twelve years ago. Maggie Beamer is identified upon the 1896 Cherokee tribal roll, Tahlequah district, at No. 319, and has continuously resided in the Cherokee Nation from the time of her birth until the present time. The case of this child was not, through inadvertance, passed upon prior to the closing of the Cherokee roll.

Jim Wolfe, case No. 10991.

This applicant, who is a fullblood Indian, made application for enrollment November 20, 1900, as a citizen by blood of the Cherokee Nation, his age being given at that time as 41 years. June 20, 1901, the Commissioner to the Five Civilized Tribes refused his application for enrollment in accordance with the provisions of the Act of May 31, 1900 (31 Stat., 221), and on September 24, 1901, said decision was approved by the Department. On November 27, 1903 (I. T. D. 8304-1903), on request of the Commission, the Department rescinded its decision and returned the case for readjudication. Further proceedings were had in the case September 21, 1904, and October 30, 1905. On February 21, 1907, the Commissioner rendered his decision ordering Jim Wolfe enrolled as a citizen of the Cherokee Nation of Shawnee blood. The attorney for the Cherokee Nation entered no protest against the enrollment of Jim Wolfe, but through inadvertance his name was not placed upon a schedule of Cherokee citizens and forwarded to the Department for approval.

Eli Springwater, case No. Memo, 200.

Application for the enrollment of this applicant was made August 16, 1900. Emily A. Springwater, his mother, is a white woman and alleges that she was married to Johnson Springwater, the father of Eli Springwater, in 1888 or 1889, and that they lived together for about three years. Other than her uncorroborated testimony, there is no evidence of the marriage of herself and Springwater, but from the information received it appears that they lived together for about three years: That the child, Eli Springwater, was born while they were living together;

that he was recognized in the community as their child, and also by his putative father, Johnson Springwater. The name of Eli Springwater cannot be identified upon any of the tribal rolls of the Cherokee Nation in the possession of this office. Johnson Springwater is identified upon the 1880 Cherokee tribal roll, Sequoyah district, at No. 1213, and his name appears upon the approved roll of citizens by blood of the Cherokee Nation opposite No. 25726.

Commissioner Bixby in his letter of June 28, 1907, fully advised the Department in reference to the above cases, and as to the probable cause of their being overlooked.

Alta May Brassfield, case No. 6415.

Alta May Brassfield was born June 16, 1902, and is a daughter of John Brassfield, whose name appears opposite No. 15360 upon the approved roll of citizens by blood of the Cherokee Nation, and his wife, Mary Brassfield, a non citizen white woman. The first application made to the Commission to the Five Civilized Tribes was received September 1, 1904, too late, under the provisions of Section 30 of the Act of July 1, 1902, to be considered. The Act of April 26, 1906 (34 Stat., 137), extended the time for the reception of applications for enrollment to December 1, 1905, but the application for the enrollment of Alta May Brassfield, which was retained in the files of the Commission, was not discovered after the passage of the Act of April 26, until subsequent to March 4, 1907, and her case was not passed upon prior to the closing of the tribal rolls on March 4, 1907. Said child is living at the present time.

CHEROKEE FREEDMEN NEW BORN.

ACT OF APRIL 26, 1906 (34 STAT., 137).

Lucy Scott, New Born case No. 542.
Application was received May 31, 1906, for the enrollment under the Act of April 26, 1906, of Lucy Scott, born September 21, 1903, a child of Jim Scott, a noncitizen of the Cherokee Nation, and Mary Scott, whose name appears

upon the approved roll of Cherokee Freedmen opposite No. 3722. This child was living March 4, 1906. When this application was first received Lucy Scott was listed for enrollment on Cherokee new born card No. 2757, instead of a Cherokee freedmen new born card, it being recited in the application for the child's enrollment that its mother, Mary Scott, was "a citizen by birth of the Cherokee Nation." On February 7, 1907, Commissioner Bixby ordered the transfer of the name of Lucy Scott from the Cherokee new born case to a Cherokee Freedmen new born case, it being found that the mother was enrolled as a Cherokee freedmen. It appears that no further action was taken looking toward the enrollment of Lucy Scott until March 4, 1907, when Mr. Bixby wired the Department as follows:

"From evidence now in my office it appears that minor Cherokee freedman applicant Lucy Scott, is minor child of Mary Scott, Cherokee freedman roll number thirty-seven twenty-two, was born September twenty-one nineteen hundred three, living March four nineteen hundred six, made application within time limited by Act April twenty-six nineteen hundred six and has been listed on card number five forty-two. I recommend that said applicant, Lucy Scott be placed on minor Cherokee Freedman Roll and approved."

Fearing that the telegram would reach the Department too late, the Commissioner wired his employe then in Washington, calling his attention to the telegram, which was quoted him, in order to secure, if possible, the enrollment of this child. March 8, 1907 (I.T.D. 8200-1907), the Acting Secretary of the Interior notified the Commissioner that said telegram was not received in the Secretary's office until March 5, 1907, and that no further action could be taken.

CREEKS BY BLOOD.

ACTS OF MARCH 1, 1901 (31 Stat., 861),
AND JUNE 30, 1902 (32 Stat., 500).

Chinhoker Mully,
Mitchely "
Barney "
Simon " cases No. L-3172.

April 26, 1907, Chimhoker Mully appeared before the Commissioner to the Five Civilized Tribes and gave testimony in connection with the right to enrollment as citizens by blood of the Creek Nation of herself and children, Mitchely, Barney and Simon Mully, all fullblood Creek Indians. It developed that Chimhoker Mully was identified upon the 1895 Creek pay roll, Ketchapataka Town, as Chimhoka, but that her enrollment upon said roll had previously been accepted, through error, as that of one Wattey Yahola, whose name appears upon the approved roll of Creek Indians opposite No. 2416. It was also found that her children above named, who are also identified on said roll, were listed for enrollment by the Commission to the Five Civilized Tribes on May 23, 1901, as Mitchell, Barney and Simon Wiker, and that on February 20, 1907, the Commissioner dismissed the application for their enrollment, no information having been received to show whether or not they were living and entitled to enrollment on April 1, 1899. The names of these persons also appear upon the 1890 authenticated roll of citizens by blood of the Creek Nation on page 133, Ketchapatka Town, as Chimarhokee, Majaila, Parma and Sarma. The evidence shows that these people lived continuously all of their lives in the Cherokee Nation (among a band of Creek Indians who settled in the Cherokee Nation about the time of the outbreak of the civil war), and that they have never been enrolled or recognized as citizens of any tribe of Indians other than the Creek.

ACT OF APRIL 26, 1906, (34 STAT., 137).

Sallie Foster, Creek NB No.370.

June 19, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Sallie Foster, born January 17, 1905, as a citizen by blood of the Creek Nation under the Act of April 26, 1906.

Said Sallie Foster is a child of Noah Foster, whose name was identified upon the approved roll of Creek Indians opposite No. 477, and Jennatta Foster. February 27, 1907, the Commissioner rendered his decision denying the application for the enrollment of said child for the reason that sufficient information was not secured to determine whether or not said Jennatta Foster was a Creek citizen, or whether or not she and Noah Foster were married Said decision was, on that date, forwarded to the Department. March 4, 1907, the parents of this child appeared before the Commissioner and gave testimony in the matter of its enrollment, from which it was found that the child's mother is enrolled upon the approved roll of Creek citizens opposite No. 3907, as Jenette Johnson, and on that day the Commissioner wired the Department as follows:

> "Referring to Creek New Born case of Sallie Foster transmitted on February twenty seven, nineteen hundred seven, together with decision denying for insufficient evidence, the parents of said child have this evening appeared and from their testimony mother is identified as Jennette Johnson opposite Creek Indian Roll No. thirtynine hundred seven. I therefore recommend that name of said Sallie Foster be this day placed upon Creek New Born Schedule and approved. Child one year old. Sex female, blood full, card No. three hundred seventy."

Fearing that the telegram would reach the Department too late, the Commissioner wired his employe then in Washington, calling his attention to the telegram, which was quoted him, in order to secure, if possible, the enrollment of this child. The telegram probably not having reached the Department until after March 4, 1907, the Department, on that date (I.T.D. 7830-1907), affirmed the Commissioner's decision.

Robert Bullocks, Creek Freedmen New Born.

The mother of Robert Bullocks is Serena Bullocks, who, with her other children, Bessie Harris, Minnie Vincent and Lou Willie Bullocks, were first enrolled as Chickasaw freedmen, opposite Nos. 1693, 1694, 1695 and 1700, respectively, upon a schedule of Chickasaw freedmen approved by the Department December 12, 1902. The name of Robert Bullocks appears upon a schedule of Chickasaw freedmen approved by the Department October 15, 1903, opposite No. 4318. Serena Bullocks having elected to have herself

and children enrolled as Creek freedmen, Commissioner Bixby transmitted to the Department on October 28, 1905, the record of proceedings had in the matter of their application for enrollment as Creek freedmen, and expressing the opinion that they were clearly entitled to enrollment as Creek Freedmen, rececommended that their enrollment as Chickasaw freedmen be cancelled, and stated that when such action was taken "a decision enrolling them as Creek freedmen will be rendered." He also stated that there was, at the time of his report, no authority of law for the enrollment of the minor child, Robert Bullocks, as a citizen of the Creek Nation, and recommended that his enrollment at No. 4318 upon the final roll of Chickasaw freedmen be permitted to stand. Forwarding the report to the Department on September 14, 1906, (Land 88437-1906), the Commissioner of Indian Affairs concurred in the recommendation of Commissioner Bixby. October 31, 1906, (I.T.D. 73898-1906), the Department remanded the case to the Commissioner for readjudication in accordance with the law existing at that time. January 21, 1907, the Commissioner again forwarded the record to the Department and concluded his report as follows:

"I the said Robert Bullocks was living March 4, 1906, then he is a person entitled to make application for enrollment under the provisions of said Section (2 of Act of April 26, 1906), and in my opinion his application made August 22, 1906, should be considered as a continuing application requiring action thereon in the light of said Section 2 of the Act of April 26, 1906 .....

I have therefore notified the mother of said Robert Bullocks, who is a minor, that if she desires the said Robert Bullocks to be enrolled as a Creek freedman, it is imperative that she immediately furnish proof that he was living March 4, 1906. In the event that such proof is furnished, I will prepare and transmit a decision similar to the decision transmitted herewith, containing an order cancelling his enrollment as a Chickasaw freedman, and will also transmit with said decision a separate schedule containing the name of Robert Bullocks.

In the event such proof is not furnished, and he is not enrolled as a Creek freedman, his enrollment as a Chickasaw freedman should, of course, be allowed to stand.

In forwarding the report to the Department the Indian Office, on February 21, 1907, (Land 9086-1907), concurred in the recommendation of the Commissioner, and on February 27, 1907 (I. T. D. 4732-1907), the Department approved the

enrollment of Serena Bullocks, Bessie Harris, Minnie Vincent and Loua Willie Bullocks as Creek freedmen, and granted authority for the cancellation of their names from the roll of Chickasaw freedmen. Their names appear upon the final roll of Creek freedmen opposite Nos. 5694 to 5697, inclusive.

From affidavits executed by Serena Bullocks February 8, 1907, and Mary Bullocks February 9, 1907, it is shown thatsaid Robert Bullocks was born September 19, 1901, and was living on March 4, 1906. These affidavits apparently reacle d the Commissioner too late to report the case to the Department and secure the enrollment of this child as a Creek freedmen new born and have his name stricken from the Chickasaw freedman roll. Before this child is enrolled as a citizen of the Creek Nation, proper authroity should be secured for the cancellation of his name at No. 4318, from the approved roll of Chickasaw freedmen. No application for the selection of an allotment of land in the Choctaw or Chickasaw Nation for said Robert Bullocks has been made.

MISSISSIPPI CHOCTAWS.

ACTS OF JUNE 28, 1898 (30 STAT., 495), AND JULY 1, 1902 (32 Stat., 641).

Maggie Nickey, (now John),

Billy Nickey,
Sam Nickey,
Bettie Russell Nickey,
Mollie Mass Nickey.

These applicants were embraced in the Mississippi Choctaw application of Nancy Nickey made at Meridan, Mississippi, April 25, 1901, for the identification of herself and said children, and also for her child, Lizzie Nickey, who died in the year 1901, as Mississippi Choctaws. Said Nancy Nickey was identified as a fullblood Mississippi Choctaw May 17, 1904. September 13, 1904, the Commission to the Five Civilized Tribes denied the identification as fullblood Mississippi Choctaws of the above named children, and said decision was approved by the

Department December 13, 1904 (I. T. D. 12338-1904).

January 12, 1907 (I. T. D. 82-1907), the Department ordered a rehearing in the matter of the application of said Maggie Nickey, and on March 4, 1907, Commissioner Bixby wired the Department as follows:

> "Referring to Departmental letter of January twelfth, nineteen seven (I. T. D. eighty-two- nineteen seven), ordering rehearing in application of Maggie Nickey, now Maggie John, for identification as Mississippi Choctaw, sufficient evidence has been received by me today to identify this applicant as fullblood Mississippi Choctaw, and such action has accordingly been taken on this date by me. Sufficient evidence is also on file with this office showing bona fide settlement within Choctaw-Chickasaw Country. Recommend that her name be placed on schedule of identified Mississippi Choctaws and also on final roll of Mississippi Choctaws and approved by you today. Maggie Nickey is twenty years old, removed to Choctaw-Chickasaw Country in February nineteen hundred three, and submitted proof of settlement on February fifth, nineteen seven. Her name appears on Mississippi Choctaw card number nine hundred seventeen."

March 13, 1907 (I. T.D. 8210-1907), the Department advised the Commissioner that as the telegram was not received until March 5, 1907, "it is not considered that the Department has now the authority to place said Maggie Nickey, or Maggie John, upon the roll of Mississippi Choctaws."

On March 4, 1907, the Commissioner rendered his decision refusing the application of Lizzie Nickey for identification, she having dies too soon to be entitled to such identification, and granted the application for the identification of said Maggie, Billy, Sam, Bettie, Russell and Mollie Mass Nickey as fullblood Mississippi Choctaws. The Commissioner advised the Department of this action on March 6, 1907, and stated that

"Considering, however, the fact that but a few hours remained before the closing of the rolls of citizenship, no action was taken as to the notification of said parties as to their identification for the reason that the said Billy and Sam Nickey are residents of Paulding, Mississippi Bettie Russel Nickey of Mozell, Mississippi, and Mollie Mass Nickey of Sylvarena, Mississippi, and it would have

been impossible for them to have removed to and settled within the Choctaw-Chickasaw country and submitted proof thereof, as required by Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641), within time for their enrollment to have been approved by you on March 4, 1907."

March 16, 1907 (I. T. D. 8510-1907), the Department in reply to the Commissioner's letter, stated that it had no authority to further act in the case.

I believe that authority should be granted for the placing of the name of Maggie Nickey upon the final roll of Mississippi Choctaws, and that upon her compliance with the law, a final allotment of land be given her. As to the other applicants first named, I believe that a reasonable time, say six months, should be given them within which to establish a bona fide residence in the Choctaw-Chickasaw country, and that upon the proof of such settlement they be enrolled as Mississippi Choctaws, and upon their compliance with the law as related to Mississippi Choctaws, they be given final allotments of land in the Choctaw-Chickasaw country.

Clemogene Farve,
Elizabeth Farve,

On February 27, 1907, (I. T. D. 4712, 4764, 4770, 5186, 5238, 5432-1907, 1806-1906, 4224-1907), the Department reversed the decisions of the Commission, and the Commissioner to the Five Civilized Tribes, dated March 30, 1904, and December 31, 1906, respectively, rejecting the applications of Clemogene and Elizabeth Farve, among others for identification as Mississippi Choctaws, and ordered said applicants identified as such. In accordance with said decision the Commissioner, on March 2, 1907, rendered his decision identifying these applicants as fullblood Mississippi Choctaws. Said applicants were notified on March 2, 1907, of their identifications as Mississippi Choctaws and advised of what action was necessary on their part to protect their rights. It is apparent that said applicants did not have time to remove to, and make settlement in the Choctaw-Chickasaw country, and to make proof of such settlement within time to have their enrollment approved by March 4, 1907.

Sallie Charlas,
Minnie Charlas,
Bettie Charlas,
Louisa Charlas,
James Charlas,

On February 20, 1907, (I.T.D.3954-1907), the Department, in accordance with an approved opinion of the Assistant Attorney-General dated February 16, 1907, directed the Commissioner to identify the above named applicants as Mississippi Choctaw Indians. The Commissioner's decision in conformity with said direction, was rendered February 23, 1907....These applicants live in Leake County, Mississippi, and they did not have sufficient time after their identification within which to remove to and settle in the Choctaw-Chickasaw country and make proof of such settlement in time to secure their enrollment by March 4, 1907.

CHOCTAW AND CHICKASAW CITIZENS.

ACT OF JULY 1, 1902 (32 STAT., 641).

Mary King, Choctaw by blood.

Application was received by the Commission to the Five Civilized Tribes on December 29, 1902, for the enrollment of Mary King, born September 17, 1902, and living September 25, 1902, who is a child of Jesse King, whose name appears upon the approved roll of Choctaw citizens opposite No. 10778, and Alice King, nee Nicholas, whose name appears opposite Choctaw roll No. 9837. This application was received too late under the Act of July 1, 1902 for the child to have been enrolled when the application for it was received.

Ecius Shields,
Barney Shields, Chickasaws by blood.

Applications forthe enrollment as citizens by blood of the Chickasaw Nation were received by the Commission to the Five Civilized Tribes on December 31, 1903, for Ecius Shields, born January 10, 1900, and on October 12, 1904, for Barney Shields, born October 1, 1901. These applicants are the children of Simon and Mandy Shield (Shields), whose names appear opposite Nos. 637 and 253, respectively, upon the approved roll of citizens by blood of the Chickasaw Nation, and were living September 25, 1902.

Gilbert McKinney, Choctaw freedman.

Application was received on March 10, 1903, for the enrollment of this applicant as a Choctaw freedman. He was born September 2, 1900, and was living September 25, 1902, and is the child of Boling McKinney, whose name appears opposite No. 5536 upon the approved roll of Choctaw freedmen. The enrollment of Boling McKinney with his other four minor children was approved by the Department March 4, 1907, but the applicant, Gilbert McKinney, whose case was embraced in that of his father and sisters, was not enrolled. The Commissioner advised the Department in reference to this case in his letter of June 28, 1907, here in above referred to.

Lena Dunford, Choctaw freedman.

Application was received December 26, 1902, for the enrollment of Lena Dunford, born December 10, 1895, and who was living September 25, 1902, as a Choctaw freedman. Lena Dunford is a child of Terry Dunford, whose name appears opposite No. 3405 upon the approved roll of Choctaw freedmen, and Louisa Dunford, nee Hicks, to whom Terry Dunford was married about 1891 or 1892.

Della Chester, Choctaw freedman.

December 26, 1902, there was received an application for the enrollment of Della Chester as a Choctaw freedman.

Said Della Chester was born May 1, 1902, was living September 25, 1902, and is a child of Hester Chester, whose name appears opposite No. 872 upon the approved roll of Choctaw freedmen.

Martha Ann Owens,
Henry Owens, Choctaw freedmen.

Applications were received December 29, 1902, by the Commission to the Five Civilized Tribes for the enrollment of Martha Ann Owens, born November 18, 1899, and Henry Owens, born January 26, 1902, and who were living September 25, 1902. These applicants are the minor children of Tom and Charlotte Owens, whose names appear opposite Nos. 2779 and 2780, respectively, upon the approved roll of Choctaw freedmen.

Sephus Liggins,
Roberta Liggins, Choctaw freedmen

Applications for the enrollment of these children appear to have been received at the postoffice in Muskogee Indian Territory, on December 25, 1902, and at the office of the Commission to the Five Civilized Tribes on December 26, 1902. There is, however, a note placed upon the applications for their enrollment to the effect that they were "received December 25, 1902," but the question as to whether or not they were received within the time limited by the Act of July 1, 1902, was never determined by the Commission. They are the minor children of Ella Butler, whose name appears opposite No. 727 upon the approved roll of Choctaw freedmen; they were born July 12, 1900, and April 26, 1902, respectively, and were living September 25, 1902.

The applications of the above named applicants, except that of Caroline Cole, for enrollment as citizens of the Choctaw and Chickasaw Nations appear to have been received

too late under the Act of July 1, 1902 to entitle them to enrollment under said act as citizens of said Nations. The applications were retained in the possession of the Commission, but they appear to have never received consideration, except the case of Gilbert McKinney, after the passage of the Act of April 26, 1906, extending the time for the reception of applications for enrollment to December 1, 1905, or to have been discovered between April 26, 1906, and March 4, 1907.

ACT OF APRIL 26, 1906 (34 STAT., 137).

CHOCTAW FREEDMEN NEW BORN

Si Johnson,
Charley Johnson,

Applications for the enrollment of these applicants appear to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906; they were born March 5, 1904, and May 2, 1905, respectively; were living March 4, 1906, and are children of Martin Johnson, whose name appears opposite No. 784 upon the approved roll of Choctaw freedmen, and his wife, Mary Johnson, a non citizen of said Nation. The Commissioner, on March 4, 1907, received sufficient information to show that these children were entitled to enrollment as minor Choctaw freedmen, and on that day telegraphed the Department and recommended that their names be placed upon the roll.
The telegram appears to have been received on March 5, 1907, too late for said children to be enrolled.

Emerson James.

The application for the enrollment of this applicant appears to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906. Emerson James was born April 1, 1905, was living March 4, 1906, and is a minor child of Jim and Molly James, whose names appear opposite Nos. 3444 and 3451 respectively, upon the approved roll of Choctaw freedmen. Sufficient information to show that this child was entitled to enrollment was not received until March 4, 1907, and on that day the Commissioner telegraphed the Department and recommended that said child be placed upon the final roll of minor Choctaw freedmen. Said telegram appears to have not been received until March 5, 1907, too late for said child to be enrolled.

Carl Harrison,
Brillie Harrison.

It appears that applications were filed with the Commissioner to the Five Civilized Tribes on March 5, 1906, for the enrollment of Carl and Brillie Harrison. They are the children of Brigham Y and Mary Harrison, whose names appear opposite Nos. 1953 and 3469 respectively upon the approved roll of Choctaw freedmen. They are minors, aged about four and three years respectively, and were living March 4, 1906. Sufficient information was not obtained until March 4, 1907, to determine the right of these children to enrollment, and on that day Commissioner Bixby wired the Department and recommended that their names be placed upon the approved roll of Minor Choctaw freedmen; but the telegram appears to have not been received until March 5, 1907, too late for said children to be enrolled.

Ida Bird.

Application for the enrollment of this applicant seems to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906. Ida Bird was born about June 15, 1902, was living March 4, 1906, and is the child of Sophina Hall, whose name appears opposite No. 834 upon the approved roll of Choctaw freedmen. Information from which to determine the child's right to enrollment appears not to have been received until March 4, 1907, when the Commissioner telegraphed the Department and recommended that the name of said child be placed upon the approved roll of minor Choctaw freedmen. Said telegram appears to have not been received until March 5, 1907, too late for said child to be enrolled.

Estoria Hall.

Application for the enrollment of this applicant seems to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906. Estoria Hall was born May 2, 1900, was living March 4, 1906, and is a minor child of Thomas Hall and Malinda Hall (enrolled as Malinda Jones), whose names appear opposite Nos. 5380 and 819 respectively, upon the approved roll of Choctaw freedmen. Information from which to determine the child's right to enrollment appears not to have been received by the Commissioner until March 4, 1907, when Mr. Bixby telegraphed the Department and recommended that the name of said child be placed upon the approved roll of minor Choctaw freedmen. The telegram appears to have not been received until March 5, 1907, too late for said child to be enrolled.

Andy Butler,
Georgan Butler.

The application for the enrollment of these applicants under the provisions of the Act of April 26, 1906, was received July 25, 1906, and they were listed for enrollment on Chickasaw freedmen new born card No. 409, the application reciting that the same was made for the enrollment of the children as "freedmen of the Chickasaw Nation." February 20, 1907, the Commissioner dismissed

the application for their enrollment as Chickasaw freedmen in accordance with the approved opinion of the Assistant Attorney-General for the Interior Department dated November 15, 1906, holding that children of Chickasaw freedmen were not entitled to enrollment under the provisions of the Act of April 26, 1906.

In the caption of the application for the enrollment of these children it is recited that their father is a freedman of the Choctaw Nation, but in the affidavit of the mother as to the children's birth it is stated that their father is a citizen of the Chickasaw Nation. Andy and Georgan Butler were born October 17, 1902, and August 7, 1905, respectively, and are children of Charley Butler and Carrie Butler, whose name appears opposite No. 1716 upon the approved roll of Chickasaw freedmen. Subsequent to March 4, 1906, it was discovered that said Charley Butler is a duly enrolled Choctaw freedman, his name appearing opposite No. 2426 upon the approved roll of such citizens. Evidence of marriage on file with this office shows the lawful marriage of the parents of these children on April 19, 1900. The children were living on March 4, 1906, and were lawfully entitled to enrollment as Choctaw freedmen on March 4, 1907.

Hattie Burris,
Isaac Burris,
John Burris.

March 4, 1907, Commissioner Bixby rendered his decision granting the application for the enrollment as minor Choctaw freedmen under the Act of April 26, 1906, as amended by the Act of June 21, 1906 (34 Stat., 325), of Hattie, Isaac and John Burris. On that day the Commissioner telegraphed the Department of his action and recommended that their names be placed upon a schedule of minor Choctaw freedmen and approved by the Department. On that day he also addressed a letter to the Department confirming the telegram and transmitting the record of proceedings in the case. March 9, 1907 I.T.D. 8206-1907), the Department advised the Commissioner that his telegram was not delivered until March 5, 1907, and no further action could be taken in the case.

These children were born, Hattie April 28, 1901, Isaac December 5, 1902, and John Burris January 29, 1904, are the legitimate children of Turner Burris, whose name appears opposite No. 4870 upon the approved roll of

Choctaw freedmen, and Etta Burris, a non citizen, and were living March 4, 1906.

There is also called to the attention of the Department, for such action as it desires to take, the Mississippi Choctaw case of Mitchell C. Adams, referred to in the Indian Office letter of September 10, 1907, special reference being made to his application for the identification of his minor children.

January 13, 1906 (I.T.D.1312, 19094-1905), the Department approved the decision of the Commission to the Five Civilized Tribes dated January 19, 1905, denying the application of Mitchell C. Adams for the enrollment of himself and minor children, Lillie M., Nora M. and Mitchell C. Adams, Jr., as citizens by blood, and for the enrollment of his wife, Nannie C. Adams, as a citizen by intermarriage, of the Choctaw Nation. On March 3, 1907, Commissioner Bixby, having received a telegram dated March 2, 1907, from A. F. McGarr, who was an employe of the Commission then stationed in Washington, stating that the Department had directed the identification of Mitchell C. Adams, Lillie M. Adams, Nora M. Adams and William C. Adams (Mitchell C. Adams, Jr., died in 1898 or 1899), as Mississippi Choctaws, rendered his decision identifying them and on that day wired said employe of his compliance with

The Department's directions, and stated that as the records did not show that said persons had ever removed to and settled within the Choctaw-Chickasaw country, no action would be taken other than their identification. Subsequent to the rendition of said decision the Commissioner received the Department's decision in the case dated March 2, 1907 (I. T. D. 5748-1907), wherein the decision of the Commission of January 19, 1905, adverse to the applicants, was reversed except as to said Nannie C. Adams. This action was taken in accordance with the approved opinions of the Assistant Attorney General of February 20, 1907, and February 28, 1907. Said Mitchell C. Adams was ordered identified as a fullblood Mississippi Choctaw Indian, and in connection with the identification of Adams' Children the Department states that:

> "In the concluding paragraph of the above cited opinion recommendation is made that no action should be taken at this time looking to the enrollment of Adam's family. This recommendation is approved only to the extent that they should not now be finally enrolled as citizens.
>
> In accordance with the approved opinion of the Assistant Attorney General of February 16, 1907, in the case of the infant children of Nicholas Charlas, et-al., based on Section 2 of the act of April 26, 1906 (34 Stat., 137), the children of Mitchell C. Adams are entitled to identification as Mississippi Choctaws, if said children were minors living on March 4, 1906.
>
> It appears that when the record was made up Lillie M. Nora M. and William C. Adams were the living minor children of Mitchell C. Adams, and that Mitchell C. Adams, Jr., has since died.
>
> Accordingly you are also directed to identify Lillie M., Nora M., and William C. Adams as Mississippi Choctaws, following said opinion in the Charlas case."

Mitchell C. Adams resides at Bluefield, West Virginia, and it would have been impossible for him to have removed to and settled within the Choctaw-Chickasaw country and submitted proof of such settlement within time for his enrollment to have been approved by the Department on March 4, 1907.

The children of Mitchell C. Adams, being of the mixed blood, and no attempt being made to prove that they are the descendants of a beneficiary under the fourteenth article of the treaty of 1830, were not entitled to identification as Mississippi Choctaw Indians under the Act of July 1, 1902. It is not clear as to the right of these children under the Act of April 26, 1906, considering their case in the light of the Department's decision in the Nicholas Charlas, et al., case above referred to, and its decision of May 25, 1905 (I.T.D. 5066, 17858-1905, 9022-1906), in the Willis Willis case. Had Mitchell C. Adams, after his identification as a Mississippi Choctaw Indian, made proof of settlement within the Choctaw-Chickasaw country and been duly enrolled as a Mississippi Choctaw, and his enrollment approved by the Secretary of the Interior, his said children would have been entitled to enrollment under the Act of April 26, 1906, as amended by the Act of June 21, 1906, as the minor children of a duly enrolled Mississippi Choctaw Indian, provided they were minors living March 4, 1906.

The Commissioner's decision in this case of March 3, 1907, is inclosed; the record in the case was transmitted to the Department October 21, 1905.

The records of proceedings in a number of the above cases have been heretofore forwarded, and, with the date of the letter of transmittal, are as follows:

Sallie Foster, Creek New Born,	February 27, 1907,
Clemogene Farve, et al. Mississippi Choctaws (In consolidated case of Nancy Agloff, et al., M C R 2370).	December 21, 1906,
Gilbert McKinney, Choctaw Freedmen, (In case of Boling McKinney, et al).	February 26, 1907,
Hattie Burris, et al., Choctaw Freedmen New Born.	March 4, 1907,
Mitchell C. Adams, et al., Mississippi Choctaw.	October 21, 1905.

The records in the other cases above referred to are transmitted herewith.

Respectfully,

Commissioner.

JOR(LS)

Inc. S-35.

D-110-1910.

Land
Allotments
45-1910.
G R

Muskogee, Oklahoma, January 21, 1910.

Enrollment of
Viola Grazier,
Cherokee.

The Honorable,

The Commissioner of Indian Affairs.

Sir:

I have the honor to acknowledge receipt of a letter from H. M. Grazier of December 28, 1909, addressed to Hon. Charles Curtis and referred to this office by the Indian Office for immediate report. Mr. Grazier's letter concerns the matter of the enrollment of his minor child, Viola Grazier.

With reference to this matter I have the honor to report that Viola Grazier is the child of Homer Grazier, a citizen of the Cherokee Nation, and that application for her enrollment as a citizen of the Cherokee Nation was made on October 3, 1902. No action was taken upon this application pending the filing of evidence of the marriage of the parents of the child until February 20, 1907, when Commissioner Bixby rendered an order holding that this minor was entitled to enrollment. Through oversight her name was never placed on a schedule for the approval of the Department, though two younger children of Homer Grazier, Joseph and Homer M. Grazier, Jr., whose cases were included in the same order as that of Viola

Crazier, have been enrolled on the New Born Roll.

A full report in this case was made on June 28, 1907, and again on November 15, 1907, at which time the record therein was transmitted.

The letter of H. M. Crazier is returned herewith.

Respectfully,

WSDM (LBA)

Encl. 21-1.

Acting Commissioner.

Cher 11131
Jim Wolfe

Cher 11131

Indian
Ind. L. N. 1901

76876

No. 245

Department of the Interior.

Commission to the Five Civilized Tribes.

MEMORANDUM.

In the Matter of the
Application for Enrollment of

James [illegible]

Department of the Interior,
RECEIVED
JUL 12 1901
Indian Territory Division.

As a citizen of the Nation.

5/11

Refused X under the Act of
Congress of May 31, 1900

Muskogee, I. T., May 1 1901 190

Respectfully forwarded to the Secretary of
the Interior for review.

[illegible] Chairman.

1

CHB

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of

JIM WOLFE

as a citizen of the Cherokee Nation of Shawnee blood.

CHEROKEE 1880 215.

SHAWNEE. (Memo.)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., NOVEMBER 20th, 1900.

In the matter of the application of Jim Wolfe for the enrollment of himself as a citizen of the Cherokee Nation by Shawnee blood; said Wolfe being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jim Wolfe.
Q How old are you? A 41.
Q What is your post office? A Catale.
Q Cooweescoowee district? A Yes, sir.
Q Who do you want to enroll, yourself and family? A Just myself.
Q What was you Shawnee? A Yes, sir.
Q Did you come here with the Shawnees in 1871? A Yes, sir.
Q Have you lived here ever since? Interpreter: He said he went to school about a year
Q Ask him is he has lived here ever since he come down with the Shawnees? Interpreter: He said "no."
Q Where has he been? A He said up there to school.
Q Give me the name of your father? A He does not recollect.
Q What is the name of your mother? A He don't recollect that.
Q How long have you been living in the Cherokee Nation? A About 11 years.
Q Where were you before that? A He said he went to the Wyandotte Mission about a year and he went from there to Oklahoma and staid about six years.
Q Did youtake up land there in Oklahoma? A No, sir.
Q Don't you belong to those absentee Shawnees? A No, sir.
Q Now, he came here in 1871, and staid out there about six years; did you get readmitted when you come back here? (No response.)

Com'r Breckinridge:--The applicant claims that he came with the Shawnees to the Cherokee Nation in 1871. He is not identified on the list of Shawnees in the possession of the Cherokee Representatives present, nor is he identified on the roll of 1880 or 1896, nor does he establish in anything like satisfactory manner his residence in the Cherokee Nation.. It does not appear, therfore, in the testimony and record that he has at any time been admitted to the Cherokee Nation, and not being upon any roll this Commission has no jurisdiction over his case, and a memorandum will be made of his case. If he desires this memorandum to be reported to the Secretary of the Interior, it will be done so upon the receipt of a written request to that effect.

---oooOOOooo---

J. O. Rosson being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 21st day of November, 1900.

Tams Bixby

Commissioner.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 20 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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Dist. Year Page No. Age

Dist. Year Page No. Age

48984 | Indian Office | Incl. No. 2 | 1903

76876

Department of the Interior.
RECEIVED
NOV 4 1903
Inc. No. 2 of No. 53044
Land Territory Division.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY. 6 1903

CHAIRMAN

Supl. to Henc. 215.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, April 28, 1903.

In the matter of the application of Jim Wolfe for enrollment as a citizen of Shawnee blood of the Cherokee Nation: he being duly sworn and examined by the Commission, testified as follows through interpreter, Ben Carpenter:

Q What is your name? A Jim Wolfe.
Q How old are you? A About forty.
Q Where do you live? A Talala.
Q Are you a Shawnee by blood? A Yes, full-blood Shawnee.
Q Did you come here with the Shawnees in 1870 or '71? A Yes, I come with the Shawnees and we stopped this side of Neosho.
Q Did you stop at Neosho? A This side of Neosho River.
Q Do you know if your name is on the Shawnee register? A Yes sir.
Q What was your father's name? A I don't know; my father died when I was a baby.
Q What was your mother's name, do you know? A I don't know her English name.
Q Where have you been living since you came to the Cherokee Nation with the Shawnees in 1871? A I don't know.
Q You came to the Cherokee Nation with the Shawnees when they came here in 1871; came to the Neosho River? A Yes sir.
Q That part of the Cherokee Nation; did you come into the Cherokee Nation at that time? A Yes, we came into the Cherokee Nation.
Q How long did you stay there before going out? A About four years, as well as I can remember.
Q What were you doing then, farming? A We were living with my sister.
Q What was your sister's name? A I don't know her English name.
Q Did you have any brothers at that time? A Only one.
Q What was his name? A Frank Wolfe.
Q Were you and Frank living together at that time? A No sir.
Q Frank wasn't born then, was he? A I don't know whether Frank was born then or not.
Q You say you stayed there four years, then where did you go? A We went across to Neosho, went to Spring River.
Q Did you go into Missouri or the Quapaw Nation or where? A We went to school at Quapaw, stayed there pretty near all summer.
Q How long did you stay up in the Quapaw Nation? A It was in the Wyandotte Nation we went.
Q How long did you stay in the Wyandotte Nation? A Went there along in the fall and the next spring I went to Oklahoma.
Q What did you go to Oklahoma for? A I just went out there to be going out there.
Q Did you know anybody out there, did you have any relatives or friends? A I had some kin folks out there.
Q How long did you stay in Oklahoma? A Six years.
Q What were you doing all that time? A I wasn't doing anything; I was just loafing around.
Q You were out in Oklahoma then in 1880 when the '80 roll was made? A I couldn't say whether I was out there in '80, but I suppose I was out there about that time.
Q After you left Oklahoma where did you go? A I went out across over into the Peoria Nation.
Q How long did you stay in the Peoria Nation? A One year.
Q Then where did you go? A I come in this country and have stayed here ever since.

Q What part of this country did you stay in? A In Sweesscree District. I went out in Whiteoak hills and been there ever since.
Q And you have been living in Whiteoak ever since you came back from Peoria Nation? A Yes sir.
Q Where was your brother Frank, all this time? A He was in this District all the time.
Q Was he out in Oklahoma with you? A No sir, Frank was little when I started for Oklahoma.
Q Who was Frank living with when you left? A Frank was living with his mother; Frank was little when I left.
Q Where was the mother living? A Up here in Whiteoak hills somewhere.
Q What part of Oklahoma did you stay in when you were down there? A Deep Fork. There is a creek or a river they call Deep Fork.
Q Were you along with the Shawnees down there? A Amongst the Shawnees down there.
Q Did you ever take any land down there? A No sir, never did take any land anywhere else.
Q Did you ever draw any money while you were there with the Shawnees? A Never did draw money anywhere else, but the Cherokee Nation. I never drawed any money until after I come to this country.
Q Was your name on the Shawnee rolls in that country, Oklahoma? A No sir.
Q Did you go down to Oklahoma intending to stay there, to make your home there? A No sir, I went down there on a visit with my kin folks.
Q Did you take any lands up in these other Nations, among the Quapaw or Wyandottes? A No sir, never did take any allotment.
Q Have you considered the Cherokee Nation your home ever since you came here with the Shawnees in 1872? A That is all I knowed of, that this is my home in the Cherokee Nation.
Q Was your home where your father was living at Whiteoak hills? A That was my home, but I never thought of taking any place until after allotment, I never had any use for a place; I haven't got any place now.
Q Did you ever draw any money in the Cherokee Nation? A I drawed every time the Shawnees drawed with the Cherokees.
Q Did you draw your share of the strip money with the Shawnees in 1896, that is seven years ago? A Yes.
Q Who paid you that money? A They gave me a paper down here and they gave it to old man Wills; he is the man that cashed it.
Q Was your brother Frank with you at that time? A Yes sir, he was home that time.
Q Did you and your brother go together and draw your money? A We come together, but we didn't draw money together.
Q How much did you draw? A $185.00, I believe. When I drawed the last money I gave an order to Charley Poole and that was for $51.00.
Q You gave an order to Charley Poole to draw your money? A Yes, I gave Charley Poole an order to draw my money.

An examination of the Cherokee-Shawnee pay-roll of 1896, shows the name of the applicant thereon at page 38, No. 774 as James Wolfe Jr., thirty-four years old. The roll shows that the money was paid by the treasurer of the Cherokee Nation on the order of one C. W. Poole. Applicant's brother Frank, also appears on said roll at No. 775.

Q Do you know if your brother, Frank, gave Charley Poole an order also? A I don't know. I know Frank paid Charley Poole some, but I don't know whether he gave him the order.
Q Have you ever been married? A No sir.

Q Is your mother living now? A No sir, she is not living.
Q When did she die? A She died a good while ago, I don't know when.
Q And you don't know what her name was do you? A No.
Q Wasn't it Julia Flint? A No, that wasn't my mother's name.
Q Was your father's name William Wolfe? A I couldn't tell you whether that was my grandfather or father.
Q Is Frank a full brother or only a half brother of yours? A Half brother.
Q Did he have the same father or same mother? A Frank Wolfe's father and my father were brothers.
Q You had the same mother then? A No.
Q You say your father was Frank's father's brother? A My father and Frank's father were brothers.
Q Your mother wasn't Frank's mother? A No. Frank's mother is living yet.
Q What is her name, Julia Flint? A Yes.
Q So Frank then is not your brother? A No, it is not my own brother.
Q Was your mother living when you came to the Cherokee Nation first? A Yes sir, my mother was living when I was about that high (indicating) when I came to the Cherokee Nation.
Q Where was your mother living when you were born? A After my mother died I went to Oklahoma then.
Q Did your mother die in the Cherokee Nation? A On Spring River. We were over at school and I quit the school over there and came here.
Q Was your mother living in the Quapaw Nation or Cherokee Nation, which side of Spring River? A On the other side of Spring river.
Q Did she ever live in the Cherokee Nation at all? A Yes sir, she was living in the Cherokee Nation and we moved over on Spring River, and I was sent to school at Wyandotte.
Q Your mother died while you were going to school? A My mother died first before I went to schoolm and my sister took me to the mission.
Q What was your sister's name? A I don't know. My sister was married.
Q Is she living yet? A She died a little while after the mother was dead.
Q Was your father living when you came here first? A I think my father died before we came to this country.
Q Has Wolfe always been your name? A Ever since I can recollect my name, that is the only name I went by.
Q Do you know if your mother's name was Wolfe? A I don't know whether my mother's name was Wolfe or not. I don't know whether I had an English name when I was a boy until I got to be a pretty good sized young man.
Q How long had you been down in this country when your mother died? A I was little, I don't know; I don't recollect.
Q Well now, if your mother, your father and sister were dead, what place in the Cherokee Nation did you call your home? A I didn't have no certain home in the Cherokee Nation, but when I was in the Cherokee Nation I thought this was my home.
Q But you had no particular place in the Cherokee Nation that you called home, did you? A No, I didn't have no place picked out. I would stay with some of my kin folks in the Cherokee Nation, amongst Shawnees.
Q Did you ever draw any money besides this strip payment in '96 that you speak of? A As soon as I come back from the Peoria Nation I drawed with the Shawnees, just like the others.

4-Jim Wolfe.

Q That was before you went to Oklahoma? A That was after. I drawed fifteen dollars sure once here in Vinita; I don't remember what year it was. I drawed that myself.
Q Who are you making your home with now? A Billy Jones.
Q Where does he live? A He lives out on Coney.
Q Is Bill Jones a Shawnee? A Yes sir.
Q You have no place picked out in the Cherokee Nation? A I think I will make my home there right close to Billy.
Q You don't own any property here do you? A No sir.
Q Never have owned any? A No sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. Rettenbacher

Subscribed and sworn to before me this 4th day of May, 1903.

Samuel Freeman

Notary Public.

FILE
FEB 10 1995
COMMISSION TO FILE

Cherokee M-215.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 21, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Jim Wolf as a citizen of the Cherokee Nation of Shawnee blood.

APPEARANCES:
Applicant appears in person and by attorney, S. B. Clover.
Cherokee Nation by its representative, W. W. Hastings.

WILLIAM WHITEDAY, being first duly sworn, testified through interpreter, Thomas Daugherty, as follows:

BY THE COMMISSION:
Q What is your name? A William Whiteday.
Q What is your post office address? A Vinita, Indian Territory.
Q What is your age? A 59 years.
Q Are you acquainted with Jim Wolf? A Yes sir.
Q Is that the applicant sitting there? A Yes sir.
Q How long have you known Jim Wolf? A Ever since he was a little child.
Q Where was Jim Wolf born? A Up near Kansas City, Kansas.
Q What is the citizenship of Jim Wolf? A Shawnee.
Q Is he a full blood Shawnee Indian? A Yes sir.
Q Did you know his parents? A Yes sir.
Q What was his father's name? A I can't remember the Shawnee name.
Q Can you remember the English name? A No sir, I guess it is Wolf.
Q What was his mother's name? A Ne-cow-wa-se.
Q When did Jim Wolf first come to the Cherokee Nation? A I come in 1870 and Jim Wolf and his mother came the next spring, early in the next spring after I came.
Q Then Jim Wolf and his mother came in the spring of 1871? A Yes sir.
Q What month do you think it was when they came to the Cherokee Nation? A About April.
Q Where has Jim Wolf lived since then? A When they first come they come there just below Chetopa on the Neosho River in the Cherokee Nation.
Q Has he always lived in the Cherokee Nation since he came here in 1871? A They stayed there near the Neosho River below Chetopa in the Cherokee Nation, then they moved near Prairie City, I live there now, claim near Prairie City and they lived there about two years and from there went across the Spring River to the Quapa Agency.
Q How long did he live in the Quapaw Agency? A I really don't know how long he lived there, after his mother died he had a brother-in-law that lived in the Seneca Nation and he went there, that is just as far as I know whereabouts he was, I moved out on Horse Creek and I don't know anything more about Wolf.
Q Where is Jim Wolf living now? A West of Vinita.
Q How long has he lived there if you know? A I don't know but several years.
Q Do you know of the applicant living in Oklahoma and if so for how long? A He went out there but I don't know how long he was out there.

Q Was Jim Wolf's father and mother both living when Jim Wolf came to the Cherokee Nation? A No it was just his mother.
Q What was Jim Wolf's mother's English name? A I don't know her English name.
Q What was Jim Wolf's Indian name if he had one? A Ah-tah-wah Pease-kah.
Q How old was Jim Wolf when he came to the Cherokee Nation? A I don't really know how old he was, but he was born in 1863.
Q Do you know a Shawnee Indian by the name of Bill Wolf who was alive in 1871? A Yes sir.
Q Did Billy Wolf have some children in 1871? A Yes sir he had some children.
Q How many? A Two that I know of.
Q What were their names? A I don't know the English names.
Q How many Shawnee Indians by the name of Wolf did you know in 1871? A I knew this one and them two children of Billy Wolf, and Billy Wolf.
Q Where was Jim Wolf living in 1880? A I don't know, I have already stated that the last time I knew anything of him is when he went to the Seneca Nation after his mother died.
Q Did Jim Wolf have any brothers and sisters in 1871? A Yes sir.
Q What were their names? A I don't know their English names, but I know their Shawnee names.
Q Give them to us? A I can't remember the children's names but she was married to a man by the name of Daniel Jack, her name was Wah-yah-wah Mease.
Q You remember any of the other children's names? A I just forgot the names.
Q Do you know of Jim Wolf drawing any money in the Cherokee Nation?
A Yes sir I think he has drawed money in the Cherokee Nation.
Q Is this sister of Jim Wolf still living? A No sir.
Q Has Jim Wolf any living relatives that you know of in the Cherokee Nation? A He is kin to this Bill Wolf's children.
Q What kin is he to Billy Wolf's children? A They are cousins, Billy Wolf is his uncle.

BY Mr. CLOVER:
Q What was the physical condition of Jim Wolf's mother when she was living? A She was sickly.
Q What was her financial condition? A She was poor in circumstance because she was a widow and had children.
Q Did she have any horses, wagons, cattle, or anything of that kind? A They didn't have but just a team when they come to the country, they had no stock or money.
Q Wasn't the place you designated as Oklahoma the Indian Territory at the time Jim Wolf went there? A Yes sir it was the Indian Territory then, it was before Oklahoma was organized.

BY MR. DAVENPORT:
Q What year was it that Jim Wolf was in Oklahoma? A I don't know.
Q How did you know that it was before Oklahoma was annexed then that he went there? A I just know it by some Shawnees living there called Absentees.
Q Do you know the year Oklahoma was organized? A I couldn't state.
Q Where was Jim Wolf living when Oklahoma was organized that you know? A That is all I can state so far as when he went to Seneca Nation, I only heard he went to Oklahoma and after that I don't know where he was.

Q [illegible] Territory? A It was about over there [illegible].

Q [illegible] Shawnee reservation in what is [illegible] Quapaw Agency near Spring River? A No sir.

Q Is it in Oklahoma? A Yes sir.

Q [illegible] A Indian, [illegible] of your knowledge?

Q Did he move from the Quapaw Shawnee reservation to Oklahoma?
A After he left the Shawnee reservation he came to the Cherokee Nation where his father-in-law lived.

Q Did he come from the Seneca Indians in Indian Territory? A I don't know.

Q Do you know what place he lived in Oklahoma Territory? A No sir. I don't know the name of it, but he was there where the Shawnees were.

Q [illegible] been since Jim returned from Oklahoma Territory?
A [illegible] don't know the date.

Q Do you know where Jim lives now of your own knowledge? A Yes sir.

Q Where does he live? A Over at White Oak Hill.

Q [illegible] his house since he has been living in White Oak [illegible]? A Yes sir.

Q Where? A I never been to his house to White Oak but he lives there.

Q How [illegible] lives there if you haven't been to his home?
A I seen him at Tahlequah and he told me home to White Oak.

Q Don't you see a lot of the Indians of the Quapaw Agency at Tahlequah, [illegible] home? A I don't know whether it was [illegible] so far he lives out there.

Q And you will state that Jim still lives there don't it? A Yes sir.

Q Do you know Jim Vann's daughter? A No I don't think he has any family.

Q Do you know [illegible] A No sir.

BY MR. TIDWELL:
Q Has [illegible] lived A I don't know.

BY THE COMMISSION:
Q Did you pay anything to the Cherokee Nation when you came to the Cherokee Nation? A No sir, it was paid to them by the tribe.

JIM WOLF, being first duly sworn, testified through interpreter, Thomas Starr, as follows:

BY THE COMMISSION:
Q What is your name? A Ji Wolf.
Q What is your post office address? A White Oak.
Q How old are you? A I really don't know, some time a little over forty.
Q Were you [illegible] war? A What I hear I was very small then.
Q When did you come to the Cherokee Nation? A I don't know.
Q Where did you come to when you came to the Cherokee Nation?
A Somewhere along this side of the Neosho River in the Cherokee Nation.

Q How long did you stay there? A Couldn't exactly tell, I think about a year.
Q Where did you go then? A We moved over near Prairie Dog.
Q In the Cherokee Nation? A Yes sir.
Q How long did you live there? A I don't know. I think about two years.
Q Then where did you go? A We moved back to Tahlequah, that's place I was there.
Q How long did you live there? A I was living there about a year.
Q When did you go to the Quapaw Agency? A I went over to Spring River in Shawnee country and lived there.
Q When did you go to Oklahoma? A I don't know when I went there, I had a contract to haul some freight for some parties and I went over.
Q Was it before or after Oklahoma was a Territory? A It wasn't called Oklahoma when I went there, but I heard it called Oklahoma.
Q How long did you remain in Oklahoma? A Six years.
Q Then where did you go? A I came back to Spring River from Oklahoma and stayed eight days and married a Peoria Indian woman over there and took her back to Oklahoma.
Q How long did you remain after that? A I was in until I was there six years all together.
Q How long have you been living in the Cherokee Nation since you came back? A I moved from Peoria where I had been there and lived in the Peoria Nation three years.
Q How long have you been living in the Cherokee Nation since you came back from the Peoria Nation? A About 14 years.
Q Where were you living in 1902 at the time of the Curtis-Shawnee payment? A I was living at Wild Cat.
Q How long have you lived at Wild Cat? A Pretty near all the time except little odd times.
Q What other moneys did you draw in the Curtis Act? A I drew at one time, I drew $30.00 [illegible] and I drew Shawnee payment $7.50.
Q Did you draw money in the Wallace payment? A Yes sir.
Q You drew that at the Dawes Payment also? A Yes sir.
Q And you drew money at Wade City, somewhere in the Cherokee Nation? A Yes sir, I drew [illegible] Wade the $30.00 on, I don't know what payment it was for I got $30.00 I don't know for what I got it.
Q Have you a family? A No sir.
Q Have you ever been married? A Yes sir, I was married. I was.
Q Have you ever had any children? A Yes sir, one but it died young.
Q Is your wife living? A No sir, [illegible] I left her.

BY MR. CLOVER:
Q Did you ever go to the Nation or Government of the Cherokee Nation? A No sir, I always claimed to be in the Cherokee Nation.
Q Did you ever receive any money from the Dawes, Nation or Government other than the Cherokee Nation? A I never drew any land any where else that I would have to move here now.
Q Did you ever draw any money in the nation or any other government other than the Cherokee Nation? A No sir.

BY MR. DAVENPORT:

Q What pl[illegible] C[illegible] ? A There was a lit[illegible] from [illegible] Deep For[illegible], [illegible] I don't [illegible] the name of it.

Q What was [illegible] post[illegible] ? A I don't [illegible] one.

Q Was it [illegible] C[illegible] [illegible] ere the Deep For[illegible]ie [illegible] I [illegible] T[illegible] [illegible]r' O[illegible]e? A No sir it [illegible] [illegible] of S[illegible], [illegible] [illegible] I forget the name of it.

Q Was [illegible] to S[illegible]ee, O[illegible], [illegible] were out there? A There was [illegible] [illegible] place.

Q Well was [illegible] town of S[illegible] [illegible], I [illegible] about the stores? A The [illegible] [illegible] S[illegible] where the stores are now.

Q Is [illegible] on the north [illegible] of C[illegible] River? A I don't know [illegible] about the north fork o[illegible] [illegible] River.

Q Isn't S[illegible], O[illegible] [illegible] of C[illegible] River?

A I [illegible] don't [illegible] [illegible] I was there.

Q Were [illegible] [illegible] [illegible] ere at S[illegible], Oklahoma?

A No sir, I don't think I was [illegible], I was [illegible] lad.

Q Hadn't you married [illegible] Peoria [illegible] and taken her [illegible] you to Oklahoma? A I took her there but I was there three years and then came back and married and [illegible] there with her.

Q How long did you live in Oklahoma with your wife that you got in the Peoria Nation? A We lived there in Oklahoma about a year and then came back.

Q Do you recollect what [illegible] you received by mail while you were in Oklahoma? A No sir.

Q Did you receive any mail [illegible] [illegible] Indian Territory? or your mother [illegible] Quapaw [illegible] [illegible] the time you lived in Oklahoma? A ~~Xxxxxir.~~No sir.

Q Were you in the Sac and Fox country or Pottawatomie country?

A I don't know whether or not I was in the Sac and Fox Agency or not, I was on [illegible] for Creek.

Q Do you know in what tribe of Indians you lived or were among out there? A The [illegible] S[illegible].

Q Did [illegible] a separate [illegible] [illegible] tribe of Indians? A I don't [illegible].

Q Do you know what [illegible] of Indians to which you are living now?

A I am living among the Cherokees.

Q How does it happen that you don't remember the tribe with whom you lived in Oklahoma after your mother got married? A I stated that I was [illegible] S[illegible] out there.

BY THE COMMISSION:

Q Do you know whether or not [illegible] was the Sac and Fox reservation out there? A We [illegible] [illegible] Sac and Fox life, it was the Michapoo.

BY MR. GLOVER:

Q What did you call [illegible] [illegible] you lived, Oklahoma or Indian Territory? A It was called Indian Territory, at a later time I heard it called Oklahoma.

Q How long [illegible] was it when [illegible] [illegible] there? A I can't tell how long it was.

Q How many people? A I [illegible] [illegible], about [illegible], maybe more, I don't know, about twenty.

THOMAS DAUGHERTY, [illegible] sworn, [illegible] follows:

BY MR. CLOVER:

Q What is your name? A Thomas Daugherty.
Q What is your residence? A [illegible].
Q How old are you? A [illegible] years old.
Q Where were you born? A I was born in the State of Kansas.
Q When did you move to the Cherokee Nation? A I moved in 1871.
Q How long have you resided [illegible] Cherokee Nation?
A Since 1871.
Q When did you first become acquainted with one James Jim Wolf? A The first time I saw Wolf was about 1874.
Q Where did you see him? A I saw him down on the east side of Grand River bridge on the Fried Road [illegible] two [illegible], maybe three, miles this side of the bridge.
Q In what Nation or Tribe was it? A Cherokee Nation.
Q Who was he living with at that time? A His mother.
Q What did you do to determine the fact that you know it was 1874?
Mr. Davenport: We [illegible] that [illegible] Objection [illegible].
Commission: Objection noted, witness will answer.
A I was at Webber's Falls, I had a claim for a man named Rogers, he had just married a widow named Mrs. Wilson, [illegible] and I went there when Mr. Rogers and his wife moved to the house and he staged all it in there [illegible] that belonged to this wife of Rogers where these children were living in a little log house.
Q How long have you known Jim Wolf since that time? A I have known of him ever since.
Q When did you see him out in the Sac and Fox Agency, or Pottawatamie country, or Kickapoo country? A I saw him there, I think it was 1885.
Q At what place did you see him? A At a place called Wellston.
Q In what Nation or Tribe was it? A It was in Oklahoma at a Kickapoo reservation.
Q What Territory or State was it? A Indian Territory.
Q Was it called Oklahoma at that time? A Not that I know of.
Q When did you next see him? A The next time I saw him was about probably a year or more after that.
Q Where and what place? A He was passing through Vinita going across to the Quapaw reservation or Agency.
Q Did you at any time during 1885 have use or aid in the purchase of any land from James Wolf? A I was the interpreter for a certain syndicate that was buying [illegible] land in Kansas and Jim Wolf had an interest in it.
Q Where was this one land to Jim Wolf? A Right there at Wellston.
Q How long have you known Jim Wolf to be continuously in the Cherokee Nation? A I couldn't exactly state.
Q State as near as you can? A I recall, don't know, probably 15 years, something along there.
Q What official position do you hold now among the Cherokee-Shawnees official positio? A I am committeeman.
Q By whom were you appointed upon the committee? A By the Secretary of the Interior.
Q Were you acquainted with the matter of making the old register roll of the Shawnees in the Cherokee Nation?
Mr. Davenport: The representatives of the Cherokee Nation object to that as immaterial, incompetent, and an improper proof. The roll is the better testimony.
Commission: Objection noted, witness will answer.
A Only by heresay as to how it was made.

Q Can you give me the names of any persons who were residents of the Cherokee Nation and over-looked on the roll of June 10, 1871, not on the registered roll?

Mr. Davenport: The representatives of the Cherokee Nation object to the question on the ground that it isincompetent, immaterial and undertakes to prove a fact by the witness which therecord should show and the record is the best testimony. The representative of the applicant has not introduced any roll of the Shawnees or any portion thereof.

Mr. Clover: I want to offer a certified copy of the Cherokee-Shawnee roll of June 10, 1871.

BY MR. CLOVER:

Q Do you know of any Shawnee Indian from your personal knowledge that have been left off of the registered roll, who are now upon the authenticated roll of 1880 as furnished by the Cherokee Nation to the Secretary of the Interior?

Mr. Davenport: The representatives of the Cherokee Nation object to the question because it is incompetent and immaterial. The 1880 roll compared with the roll introduced is a better way to prove whether any one was left off the 1871 roll and placed on the 1880 roll.

Commission: Objection noted, witness will answer.

A I know some of them.

Q Name those you can remember? A Bill Daugherty, Mary Brad, James Walker, James Caesar, John Pecan, that is all I remember now.

Mr. Davenport: The representatives of the Cherokee Nation move to strike the foregoing from the records because if they are on the 1880 roll that is the best testimony.

Commission: Objection noted.

Mr. Clover: The attorney for the applicant asks that the Cherokee-Shawnee pay roll of 1896 made by D. W. Lipe be examined for the name of this applicant, and that his enrollment thereon be made a part of the record in this case.

The Cherokee-Shawnee pay roll of 1896 examined and the name of James Wolfe Jr., found on page 38 opposite No. 774, age 34.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 10th day of February, 1905.

H S Hancken
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., OCTOBER 30, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Jim Wolfe as a Cherokee citizen of Shawnee blood.

APPEARANCES:
Applicant present in person.
Cherokee Nation not represented.

This case was regularly set for hearing on Thursday, October 26, 1905, at which time no appearances were made. The applicant appears at this time and his testimony is taken subject to any objection which the Cherokee representative may desire to enter and subject to the applicant or his witnesses being recalled for cross-examination by the representative of the Cherokee Nation.

FRANK DAUGHERTY, being first duly sworn, testified as follows.

ON BEHALF OF THE COMMISSIONER:
Q What is your name, age and post office? A Frank Daugherty, 44, White Oak, I. T.
Q You are a Shawnee citizen of the Cherokee Nation? A Yes sir.
Q Do you know this applicant, Jim Wolfe? A yes sir.
Q You ever know a person named Billy Wolfe? A Yes sir.
Q Was he related in any way to Jim? A Yes sir.
Q What relation? A His father and Billy Wolfe were brothers.
Q Jim Wolfe's father was dead when the Shawnees moved down here?
A Yes sir.
Q Billy Wolfe was living then was he? A Yes sir.
Q Was Billy Wolfe married when the Shawnees moved to this country?
A That I couldn't say he was living, of course, I was small and I couldn't remember who was married and who wasn't.
Q You don't know anything about how many children Billy Wolfe had when the Shawnees came down here? A No sir.
Q Do you know anything about Billy Wolfe ever being married? A I have seen him with this woman, mother of Frank Wolfe. I suppose they were married.
Q Did he have any children? A They must be his children, I couldn't say that they were, of course I don't know.
Q How many children did Billy Wolfe have? A Two, Frank Wolfe and Clara.
Q What is Clara's name now? A Williams.
Q Is she the wife of William G. Williams? A She is the wife of Billy Williams.
Q Which is the older, Frank or Clara? A Clara.

There appears upon the Shawnee Register opposite Nos. 765, 766, and 767, the names of Wolf, Billy, Wolf, Wolf (the latter two having no given names).

Q What is the wife of Billy Wolfe named at this time? A Flint.
Q Her first name? A I don't know.
Q Is she the woman we identified just now as Julia Flint? A Yes sir.

Q Billy Wolfe is dead and she has married again? A Yes sir.

Julia A. Flint, former wife of Billy Wolfe is identified as an applicant for enrollment, her name being listed on Cherokee card No. 4409.

Clara Williams, the daughter of Billy Wolfe and Julia A. Flint is identified on Cherokee card No. 3182, her age being shown on that card as 30 in 1900.

----------oOo----------

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 1st day of November, 1905.

Myron Hulit

Notary Public.

Cherokee Memo. 215

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jim Wolfe as a citizen of the Cherokee Nation of Shawnee blood.

O R D E R .

It appears from an examination of the Wallace roll of citizens of the Cherokee Nation of Shawnee blood that Jim Wolfe , as James Wolf Jr., is identified thereon at page 89, number 558 , age 28, sex, male, residence, Cherokee Nation. Note "child of Cherokee No. 285". This note identifies Jim Wolfe as the son of one Widow Daugherty who is identified at number 285 on the Register of Shawnees who elected to avail themselves of the provisions of the Cherokee-Shawnee agreement concluded June 7, 1869 and approved by the President June 9, 1869.

It is ordered that this statement be filed with and made a part of the record in the case of Jim Wolfe, Cherokee Memo. 215.

Commissioner

Dated at Muskogee, Indian Territory,

this JAN 15 1906

Cherokee Memo 215

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jim Wolfe as a citizen of the Cherokee Nation of Shawnee blood.

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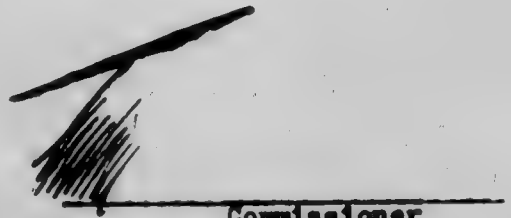
D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That on November 20, 1900, at Chelsea, Indian Territory, Jim Wolfe appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a citizen of the Cherokee Nation of Shawnee blood; that on June 20, 1901, the Commission to the Five Civilized Tribes refused the application of the said Jim Wolfe for enrollment as a citizen of the Cherokee Nation of Shawnee blood, in accordance with the provisions of the Act of May 31, 1900 (31 Stat., 221), and that on September 24, 1901, said decision was approved by the Department (I.T.D. 2901, 4055-1901); that thereafter, on April 28, 1903, having identified Jim Wolfe on the Cherokee-Shawnee pay roll of 1896, the Commission requested the Department to remand said case for reconsideration, and on November 27, 1903 (I.T.D. 8304-1903), the Department rescinded its action affirming the decision of the Commission and returned said case for readjudication. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on September 21, 1904, and October 30, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That Jim Wolfe was born in the State of Kansas and is a full-blood Shawnee Indian; that in the year 1871, when he was eleven years of age, he removed to the Cherokee Nation with other members of the Shawnee

tribe of Indians who elected to avail themselves of the provisions of the treaty between the Cherokees and Shawnees; that after removing to the Cherokee Nation in 1871 he resided therein until 1875, when he left said Nation and from that time until 1883 resided temporarily at various places in what is now the Territory of Oklahoma, and that in 1883 he returned to the Cherokee Nation and has since continuously resided therein. The said Jim Wolfe can not be identified on the Shawnee Register, but is undoubtedly there under his Indian name . His mother is identified thereon at No. 285 as Widow Daugherty, and he is duly identified on the Wallace roll of citizens of the Cherokee Nation of Shawnee blood, of 1889, and the Cherokee-Shawnee pay roll of 1896.

IT IS THEREFORE ORDERED AND ADJUDGED: That in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Jim Wolfe is entitled to enrollment as a citizen of the Cherokee Nation of Shawnee blood, and his application for enrollment as such is accordingly granted.



Commissioner

Dated at Muskogee, Indian Territory,
this FEB 21 1907

Extract from letter of J. G. Wright, Commissioner to the Five Civilized Tribes, dated November 15, 1907, containing list of persons which it was considered were entitled to enrollment.

"Jim Wolfe, case No. 10991.

This applicant, who is a fullblood Indian, made application for enrollment November 20, 1900, as a citizen by blood of the Cherokee Nation, his age being given at that time as 41 years. June 20, 1901, the Commissioner to the Five Civilized Tribes refused his application for enrollment in accordance with the provisions of the Act of May 31, 1900 (31 Stat., 221), and on September 24, 1901, said decision was approved by the Department. On November 27, 1903 (I. T. D. 8304-1903), on request of the Commission, the Department rescinded its decision and returned the case for readjudication. Further proceedings were had in the case September 21, 1904, and October 30, 1905. On February 21, 1907, the Commissioner rendered his decision ordering Jim Wolfe enrolled as a citizen of the Cherokee Nation of Shawnee blood. The attorney for the Cherokee Nation entered no protest against the enrollment of Jim Wolfe, but through inadvertance his name was not placed upon a schedule of Cherokee citizens and forwarded to the Department for approval."

Mem 215 C

Atoka Indian Territory,

NOV 20 1900 190 .

The Commission,

To the Five Civilized Tribes:

GENTLEMEN:

You are hereby advised that I desire that the application this day made by me for the enrollment of myself ~~and those represented by me in said application~~, which was denied by the Commission, be submitted to the Honorable Secretary of the Interior for his consideration when the final roll of citizens of the Cherokee Nation is transmitted to him for approval.

Respectfully,

James his Wolfe
Mark

No. 215

James Wolf

vs.

CHEROKEE NATION

26.77-5

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 16 1901

(COPY)

Refer in reply to the following:

Land
29036 - 1901.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 3, 1901.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department a memorandum in the matter of the application of Jim Wolf for the enrollment of himself as a citizen of the Cherokee nation by Shawnee blood. On the hearing of his application at Chelsea, I. T., November 20, 1900, before the Commission to the Five Civilized Tribes, the testimony shows that the applicant claims to be a Shawnee and came to the Indian Territory with the Shawnees in 1871, and that he has been out of the Territory attending school, but does not give the location of the school. It does not appear from his testimony that he was at any time admitted to the Cherokee nation, nor is his name on the roll of said nation, wherefore the commission denied his application and forwarded the enclosed memorandum, May 28, 1901, for action by the Department.

The Commission was acting under the provisions of the law found in the Indian Appropriation Act approved May 31, 1900, viz.:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

The provisions of this law limit the commission to the question of former recognition and enrollment as citizens of the Cherokee nation, and its investigation complied with these conditions.

Therefore it is recommended that its judgment be approved and proper notice given to the parties.

Very respectfully,

Your obedient servant,

Commissioner.

A.B. (Ba)

(COPY)

D. C. No. 14223-19 .

52777. L.P.
F.

Department of the Interior.
Washington.

September 24, 1901.

L.E.D. 2901, 4055-1901.
L.T.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

July 5, 1901, the Commissioner of Indian Affairs submitted the Memorandum made by the Commission in the matter of the application of Jim Wolf to be enrolled as a citizen of the Cherokee Nation by Shawnee blood, and recommended that your action rejecting the application be approved.

It is stated in your decision that the applicant claims that he came with the Shawnees to the Cherokee Nation in 1871; that he is not identified on the list of Shawnees in the possession of the Cherokee representaiive before the Commission, nor is he identified on the roll of 1880 or 1896, nor does he establish his residence in the Cherokee Nation. You rejected the application under authority contained in the act of May 31, 1900 (31 Stat., 221).

On September 7, 1901, the Acting Commissioner of Indian Affairs transmitted a communication from Caleb Deshane, Catale, I. T., dated August 30, 1901, in which he states that Wolf was a minor and unable to care for his interests at the time the tribal rolls were made, and asks if the Shawnee Business Committee cannot be called together to consider the case and report the result of its deliberation.

As the Commission is shown to be without jurisdiction in this case the course proposed by Mr. Deshane would be useless.

The Department concurs in the recommendation of the Commissioner of Indian Affairs and the application is rejected. You will so advise Wolf. A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan
Acting Secretary.
E.M.D.

1 inclosure.

-2-

[illegible] are [illegible] [illegible] [illegible] receive, consider, or [illegible] any record of any application or any protest for [illegible] [illegible] [illegible] [illegible] in Indian Territory [illegible] [illegible] [illegible] [illegible] thereof, and duly and lawfully surrendered or cancelled [illegible], in pursuance of such application and shall be [illegible] until [illegible] the Secretary of the Interior."

As previously indicated, it [illegible] that we have never been recognized as citizens of the Choctaw Nation, and duly and lawfully [illegible] or admitted to such, [illegible] of that [illegible] [illegible] [illegible] [illegible]. Therefore, in order [illegible] [illegible], a copy of [illegible] [illegible], and [illegible] [illegible] [illegible] [illegible] [illegible], to the final [illegible], we respectfully [illegible] you, [illegible] considered.

Yours truly,

Attorney [illegible].

Memorandum 215.

Tahlequah, Indian Territory, July 8, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is herewith transmitted for your consideration the former proceedings in the matter of the application of Jim Wolf for enrollment as a citizen of the Cherokee Nation, Memorandum 215, together with supplemental testimony of April 28, 1903, the name of the applicant having been found on the Cherokee-Shawnee pay-roll of 1896.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

1 enc.
RGR.

-1

Memorandum -215

Muskogee, Indian Territory, July 16, 1903.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

On the 8th inst. you transmitted, for the consideration of this office, the record in the matter of the application of Jim Wolfe for enrollment as a citizen of the Cherokee Nation (Memorandum #215).

It appears from said record that on June 20, 1901, the Commission refused the application of the said Jim Wolfe and, on September 24, 1901, said refusal was approved by the Secretary of the Interior and further testimony in the matter of said application was taken at Vinita, Indian Territory, on April 28, 1903.

It does not appear from said record that this case has ever been reopened since the final action of the Department, but if the testimony of April 28, 1903, was taken in compliance with an order of the Department remanding the case for further proceedings and readjudication, please forward a copy of said order to this office.

Respectfully,

Commissioner in Charge.

Cherokee M-215

Tahlequah, Indian Territory, July 22, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I am in receipt of the Commission's letter of July 18, acknowledging receipt of a letter from this office under date of July 8, transmitting for consideration and further proceedings the record in the application of Jim Wolfe for enrollment as a citizen of the Cherokee Nation, Cherokee M-215.

The Commission's letter calls attention to the fact that its refusal of the application of said Jim Wolfe was, on September 24, 1901, approved by the Secretary of the Interior, and the record does not show that the case has been reopened since the final action of the Department. It is requested that, if the testimony of April 28, 1903, was taken in compliance with an order of the Department remanding the case for further proceedings, a copy of said order be made a part of the record in the case.

In reply, I have to state that there has been no Departmental order reopening this case. Prior to April 28, 1903, the applicant had not been identified upon any of the tribal rolls in the possession of this Commission. The

testimony taken on that day was taken for the purpose of establishing his enrollment as shown therein, and the record was forwarded to the office at Muskogee that the proper steps might be taken to have the case reopened and the rights of the applicant readjudicated.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MFM

(2201)

Letter in reply to the following:
Land 1-1-1.

Department of the Interior,
Office of Indian Affairs,
Washington, November 21, 1903

The Secretary of the Interior.

Sir:

There is herewith a report from the Commissioner of the Five Civilized Tribes dated Oct. 26, 1903, recommending that the letter of the Department relating to the application of [illegible] for enrollment as citizen of the Choctaw Nation, transmitted, copy of the letter addressed to the Commission. The application was for the name of [illegible] was found upon the Choctaw-Freedmen roll, and thereupon a copy of the testimony was forwarded to the local office at Vanita, April [illegible] last. From the testimony and the Commission's statements it would appear that the Department's former action should be rescinded, that the application be denied, and the office be relieved.

The record is enclosed.

Very respectfully,

(signed) W. A. Jones,

Commissioner.

D.C. 33291-1903. LRS JP WHR ITD. 2901-1901.
8304-1903.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

November 27, 1903.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 30, 1903, referring to departmental decision of May 14, 1901, in the Cherokee enrollment case of Jim Wolf (M 215), by which your decision rejecting the applicant as his name did not appear upon any roll of the Cherokee Nation, was approved, you reported that further investigation shows the party identified upon the 1896 Cherokee-Shawnee pay roll, and you request that in view of this fact the decision of the Department be rescinded and the case be remanded.

Reporting in the matter November 21, 1903, the Commissioner of Indian Affairs concurred in your recommendation.

The Department also concurs and said decision is hereby rescinded and the testimony originally submitted and that received with your letter of July 30, 1903, are inclosed, together with a copy of the Commissioner's letter of November 21, 1903.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

3 inclosures.

M 215

Tahlequah, Indian Territory, December 10, 1903.

Commission to the Five Civilized Tribes,

Cherokee Division,

Muskogee, Indian Territory.

Gentlemen:

Receipt is acknowledged of Commission's letter of December 5 requesting that the jacket and record in Cherokee case M 215, James Wolf, be forwarded to the Commission, that case having been remanded by the Department on November 27, 1903.

In reply I have the honor to state that the jacket and record in this case were forwarded to the office at Muskogee on July 8, 1903.

Respectfully,

MH

Chief Clerk
Cherokee Land Office.

Cherokee M-215

Muskogee, Indian Territory, July 19, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Jim Wolfe for enrollment as a citizen of the Cherokee Nation of Shawnee blood, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to identify his name upon the Shawnee register; tending to show that he paid the amount of money required of those Shawnees who removed to the Cherokee Nation under the terms of the Cherokee-Shawnee agreement, and that he removed to the Cherokee Nation within the time specified within said agreement.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, August 15, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee M 215

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 16, 1904.

James Wolf,

Vinita, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen of the Cherokee Nation of Shawnee blood, the Commission on yesterday received a telephone message from you in which you stated that you would be unable to appear on that day and introduce further testimony in support of your application as heretofore requested by the Commission. You stated, however, that you would be able to appear on the following Monday.

This letter is now addressed to you in order to advise you that you should appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday September 21, 1904, and introduce the testimony of such witnesses as you may be able to procure touching the points mentioned in the Commission's former notice to you.

Respectfully,

Commissioner in Charge.

Cherokee,
M-215.

Muskogee, Indian Territory, October 15, 1904.

S. S. Clover,

Attorney for Jim Wolfe,

Vinita, Indian Territory.

Dear sir:

In the matter of the application for the enrollment of Jim Wolfe as a citizen of the Cherokee Nation of Shawnee blood, you are advised that the case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine oclock A. M., on Tuesday, November 15, 1904.

Said Jim Wolfe has this day been notified that he will be permitted to appear on said date and introduce such testimony as he may desire in support of said application.

Respectfully,

Register. Commissioner in Charge.

Cherokee,
M-215.

Muskogee, Indian Territory, October 15, 1904.

Jim Wolfe,

White Oak, Indian Territory.

Dear sir:

In the matter of your application for enrollment as a citizen of the Cherokee Nation of Shawnee blood, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine oclock A. M., on Tuesday, November 15, 1904. at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

Commissioner in Charge.

Register.

Cherokee M-215

Muskogee, Indian Territory, October 18, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Jim Wolfe as a citizen of the Cherokee nation of Shawnee blood, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Tuesday, November 17, 1904. The Cherokee Nation will be permitted to appear on said date and introduce such testimony as it may desire.

Respectfully,

Tams Bixby

Chairman.

Cherokee M-215.

Muskogee, Indian Territory, November 30, 1904.

S. S. Clover,

Attorney for James Wolfe,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of November 26, relative to the enrollment of James Wolfe as a citizen of the Cherokee Nation of Shawnee blood.

In reply you are advised that on motion of the attorney for the Cherokee Nation, this case was continued for further hearing from September 21, 1904, to November 17, 1904, and all parties concerned were duly notified thereof. You are further advised that on November 17, 1904, this case was called; that the attorney for the Cherokee Nation appeared and submitted the case on the testimony of record, and that it will be so considered by the Commission.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee
M-15.
215

Muskogee, Indian Territory, January 5, 1905.

John H. Secondyne,

White Oak, Indian Territory.

Dear sir:

The Commission is in receipt of your letter of December 28, 1904, relative to the enrollment of Jim Wolfe, as a citizen of the Cherokee Nation, of Shawnee blood.

In reply you are advised that further appearance in the matter of the application for the enrollment of the said Jim Wolfe is unnecessary. You are further advised that the matter will be taken up in the near future, and when a decision has been prepared the parties concerned will be furnished with a copy.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

(... 125.

Muskogee, Indian Territory, July 20, 1905.

COPY

Jim Wolfe,

Talala, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen of the Cherokee Nation, you are advised that before this office can render a decision in your case, it will be necessary that further testimony be introduced tending to show whether or not your name appears upon the Register of Shawnee Indians who removed to the Cherokee Nation within the time specified in the Cherokee-Shawnee Agreement of June 9, 1869.

You are therefore notified to appear at the offices of the Commissioner to the Five Civilized Tribes at 9 o'clock A. M. on Thursday August 3, 1905, and introduce testimony as above indicated. You are further advised that the Cherokee Nation will also be permitted to appear on that date and introduce any testimony it desires in the matter of said application.

Respectfully,

(SIGNED). Tams Bixby

Commissioner.

Muskogee, Indian Territory, July 20, 1905.

COPY.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application of Jim Wolfe for enrollment as a citizen of the Cherokee Nation, you are hereby advised that said Jim Wolfe has this day been notified that he will be permitted to appear before this office at 9 o'clock A. M. on Thursday August 3, 1905, and introduce any evidence he desires tending to prove his right to enrollment as such citizen.

The Cherokee Nation will also be permitted to appear on that date and introduce any testimony it desires in the matter of said application.

Respectfully,

(SIGNED). Tams Bixby.

Commissioner.

Cherokee-M-215.

Muskogee, Indian Territory, August 11,1905.

Jim Wolfe,

Talala, Indian Territory.

Dear Sir:

This office is in receipt of your letter of August 7th, acknowledging receipt of its recent letter notifying you to appear before this office on or before August 3rd, 1905, for the purpose of introducing any evidence you desired tending to show whether your name is upon the register of Shawnee Indians who removed to the Cherokee Nation in accordance with the agreement between the Cherokee and Shawnee tribes of Indians. You state that you are unable financially to appear before this office at the present time, and ask that you be given thirty days in which to appear for the purpose of introducing said testimony.

In reply, you are advised that it is desired that your case be closed at the earliest practicable date, and this office does not deem it advisable to extend the time within which you would be permitted to introduce the evidence above indicated for such a length of time as you request. You are, therefore, hereby notified that you will, at 9 o'clock A. M. on Thursday August 24, 1905, be again given an opportunity to appear before this office

J. W.

for the purpose of introducing said evidence.

Respectfully,

SIGNED Wm. C. Bass

Acting Commissioner.

Cherokee M-215.

Muskogee, Indian Territory, August 11, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Cherokee Enrollment case of Jim Wolfe has been reset for hearing at the Offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, August 24, 1905, at which time he will be given an opportunity to introduce any evidence he desires tending to show that his name is on the Shawnee register.

The Cherokee Nation will also be permitted to appear on that date and introduce any testimony it desires in this case.

Respectfully,

SIGNED
Wm O Beall
Acting Commissioner.

LS

Cherokee
Memo. 215

Muskogee, Indian Territor , October 17, 1905.

John H. Secondyne,

White Oak, Indian Territory.

Dear Sir:

This office is in receipt of your letter of October 10, 1905, asking to be advised of the citizenship status in the Cherokee Nation of James Wolf, a Shawnee Indian.

In reply you are advised that it appears from an examination of the records of this office that one Jim Wolfe is an applicant for enrollment as a citizen of the Cherokee Nation of Shawnee blood, butthat his right to enrollment has not been finally determined.

In order that his right to enrollment may be properly determined it will be necessary that further testimony be introduced tending to show whether or not his name appears upon the Register of Shawnee Indians who removed to the Cherokee Nation in accordance with the Cherokee-Shawnee agreement. The case of Jim Wolfe has been set for trial on several different occasions of which he has been duly notified, but he has not appeared in accordance with the notices of this office, and as the matter is important you are desired to notify him that his case will again be set for trial at nine o'clock A. M., on Thursday, October 26, 1905, at which time he should appear before the offices of the Commissioner to the

Five Civilized Tribes at Muskogee, Indian Territor , for the purpose of introducing testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desiresin this case.

Respectfully,

Tams Bixby.

GHL

Commissioner.

Cherokee
Memo. 215

Muskogee, Indian Territory, October 17, 1905.

W. W. Hastings,

Attorney for the Cherokee nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that Jim Wolfe has this day been notified, through John H. Secondyne, of White Oak, Indian Territory, that he will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday October 26, 1905, and introduce testimony tending to show whether or not his name is identified on the Register of Shawnee Indians who removed to the Cherokee nation in accordance with the Cherokee-Shawnee agreement. The Cherokee nation will also be permitted to appear on that date andintroduce such testimony as it desires in this case.

Respectfully,

Tams Bixby
Commissioner.

GHI.

Muskogee, Indian Territory, January 16, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated January 15, 1906, making the enrollment of Samuel Wheeler on the Shawnee Register a part of the record in the matter of the application for his enrollment as a citizen by adoption of the Cherokee Nation.

There is also inclosed herewith a copy of an order of the Commissioner, dated January 15, 1906, making the enrollment of Jim Wolfe on the Wallace roll ofShawnee citizens of the Cherokee Nation a part of the record in the matter of the application for his enrollment as a citizen of the Cherokee Nation of Shawnee blood.

There is also inclosed a copy of supplemental proceedings of January 8, 1906, in the matter of the application for the enrollment of John Herran as a citizen by blood of the Cherokee Nation.

Respectfully,

Incl. GL-31.
GHL

Commissioner.

Cherokee
Memo 215

Muskogee, Indian Territory, July 11, 1906.

Charles B. Rogers,
Attorney for Jim Wolfe,
Vinita, Indian Territory.

Dear Sir:

This office is in receipt of your letter of July 7, asking to be advised the status of the Cherokee enrollment case of Jim Wolfe. You also enclose a power of attorney signed by James Wolfe authorizing you to represent him in his case, and affidavits by the applicant, Joseph White and Frank Daugherty, in reference to his right to enrollment as a citizen of the Cherokee Nation.

In reply you are advised that the Cherokee enrollment case of Jim Wolfe is pending before this office at the present time, and in order to correctly determine his right to enrollment as a citizen of the Cherokee Nation, it will be necessary that further evidence be introduced tending to show whether or not his name appears upon the register of the

names of the members of the Shawnee tribe of Indians adopted into the Cherokee Nation.

It is especially desired that the testimony of Julia Flint, whose last known postoffice was Talala, Indian Territory, be secured in connection with the case.

There is enclosed herewith a copy of the record of proceedings had in the case, and you are further advised that if you so desire, you will be permitted to appear before the offices of the Commissioner in Muskogee, Indian Territory, at nine o'clock A.M. on Thursday, July 26, 1906, and introduce further testimony in the case.

Jim Wolfe, the applicant, White Oak, Indian Territory, has this day been advised of the information herein contained.

The affidavits referred to, enclosed with your letter, are returned herewith, as it has not been the practice of this office and the Commission to the Five Civilized Tribes to file affidavits in connection with Cherokee enrollment cases.

Respectfully,

Incl.P-16 Commissioner.
WMP

Cherokee
Memo 215

Muskogee, Indian Territory, July 11, 1906.

Jim Wolfe,

White Oak, Indian Territory.

Dear Sir:

You are advised that this office is in receipt of a letter dated July 7, 1906, from Charles B. Rogers, Vinita, Indian Territory, enclosing power of attorney signed by you authorizing him to represent you in your Cherokee enrollment case.

He has been entered as attorney of record for you and furnished a copy of the record of proceedings had in your case, and advised that if he so desired, he would be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes, Muskogee, Indian Territory, on Thursday July 26, 1906, and introduce such further testimony as he desired in your case.

Respectfully,

Commissioner.

WWP

Cherokee Memo.
215

Muskogee, Indian Territory, July 12, 1906.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are advised that Jim Wolfe, applicant for enrollment as a citizen of the Cherokee Nation, and his attorney, Charles B. Rogers, Vinita, Indian Territory, have this day been advised that they will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes on Thursday July 26, 1906, and introduce such further testimony in said case as they desire.

The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it may desire in this case.

Respectfully,

Commissioner.

MMP

Cherokee
M 213

Muskogee, Indian Territory, July 28, 1906

Charles B. Rogers,

Attorney for Jim Wolfe,

Vinita, Indian Territory.

Dear Sir:

In reply to your letter of July 25, you are advised that you will be permitted to appear before the office of the Commissioner to the Five Civilized Tribes, at nine o'clock A. M., on Thursday, August 9, 1906, for the purpose of presenting testimony as indicated in this office's former communication to you, in the Cherokee enrollment case of Jim Wolfe. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in said case.

Respectfully,

M B

Commissioner

Cherokee
M 213

Muskogee, Indian Territory, July 28, 1906

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that Charles B. Rogers, Vinita, Indian Territory, attorney for Jim Wolfe, has this day been notified that he will be permitted to appear before the office of the Commissioner to the Five Civilized Tribes, at nine o'clock A. M. , on Thursday, August 9, 1906, for the purpose of presenting such testimony as he desires in the Cherokee enrollment case of Jim Wolfe. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in said case.

Respectfully,

L M B

Commissioner

Cherokee
M 213

Muskogee, Indian Territory, July 28, 1906

Jim Wolfe,

Whiteoak, Indian Territory.

Dear Sir:

You are hereby advised that you will be permitted to appear before the office of the Commissioner to the Five Civilized Tribes, at nine o'clock A. M., on Thursday, August 9, 1906, for the purpose of presenting such testimony as you desire in the matter of your application for enrollment as a citizen by blood of the Cherokee Nation. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in said case.

Respectfully,

L M B

Commissioner

Muskogee, India Territory, October 6, 1906

Charles Rogers,

Attorney for Jim Wolfe,

Vinita, Indian Territory.

Dear Sir:

Under date of July 11, 1906, you were advised that your client, Jim Wolfe, would be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes on July 26, 1906, and submit such testimony as he desired relative to his right to enrollment as a citizen of the Cherokee Nation.

No appearance was made on behalf of applicant on that date, and you are advised that said applicant has this day been notified that he will be given an opportunity to appear before the Commissioner on October 18, 1906, and introduce such further testimony as he desires in his case.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in the case.

Respectfully,

L M B

Acting Commissioner

Cherokee
M 213

Muskogee, Indian Territory, October 6, 1906

Jim Wolfe,

Whitebuck, Indian Territory.

Dear Sir:

Under date of July 11, you were advised that you would be permitted to appear before the officers of the Commissioner to the Five Civilized Tribes on July 26, 1906, and submit such testimony as you desired relative to your right to enrollment as a citizen of the Cherokee Nation.

No appearance was made on your behalf on that date, and you are advised that you will again be given an opportunity to appear before the Commissioner on October 18, 1906, and introduce such further testimony as you desire in your case.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in the case.

Respectfully,

L M B

Acting Commissioner

Cherokee
1 213

Muskogee, Indian Territory, October 6, 1906

W. T. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that Jim Wolfe, and his attorney, Charles Rogers, Vinita, Indian Territory, have this day been notified that they will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, on Thursday, October 18, 1906, and introduce such testimony as they desire in the matter of the application for the enrollment of Jim Wolfe as a citizen by blood of the Cherokee Nation.

The Cherokee Nation will also be permitted to appear on that date, and introduce such testimony as it may desire in said case.

Respectfully,

L M B

Acting Commissioner

Cherokee 10991

Muskogee, Indian Territory, February 21,1907.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of the testimony and of your decision enrolling Jim Wolfe as a citizen of the Cherokee Nation of Shawnee blood. Time for protesting said decision is waived and I consent that said person may be placed upon the schedule immediately.

Respectfully,

W. D. Hawkins

Attorney for Cherokee Nation.

Cherokee
10291.

Muskogee, Indian Territory, February 26, 1907.

Charles W. Wilson,

Vinita, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, granting the application for the enrollment of Jim Wolfe, as a citizen of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in the case.

Respectfully,

Commissioner.

Encl.C-103
LMC

Cherokee
10991.

Muskogee, Indian Territory, February 26, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, granting the application for the enrollment of Jim Wolfe, as a citizen by blood of the Cherokee Nation.

Respectfully,

Commissioner.

Encl.C-104
LWC

Cherokee
10991

Muskogee, Indian Territory, February 26, 1907.

Jim Wolfe,

Talala, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 26, 1907, granting your application for enrollment as a citizen of the Cherokee Nation. Your attorney has heretofore been furnished a copy of the record of proceedings had in the case, and there has this day been forwarded to him a copy of the Commissioner's decision.

You will be advised when your name has been placed upon a schedule of citizens of the Cherokee Nation and approved by the Secretary of the Interior.

Respectfully,

Commissioner.

Encl.C-105.
LMC

Muskogee, Indian Territory, June 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Since March 4, 1907, a few enrollment cases have been brought to my notice which I desire to call to the attention of the Department. In these cases the names of the applicants who were probably entitled to enrollment were not placed upon the final rolls of the tribes of which they are members, and in view of the provisions of Section 2 of the Act of Congress approved April 26, 1906 (34 Stats., 137), which is as follows:

> "Provided, that the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date,"

there is now no existing law known to this office under which they can obtain relief.

The names of Jennie Cloud and Joe Kingfisher, her minor son, appear upon Cherokee roll card field number 7713. The former is the wife of Arch Cloud, whose name appears upon the final roll of citizens by blood of the Cherokee Nation opposite number 29668.

It appears from the records of this office that Jennie Cloud is a fullblood Cherokee Indian and her name is identified upon the 1880 Cherokee census roll, Going Snake District, opposite number 456. The father of her child, Joe Kingfisher appears from our records to be Josiah Kingfisher, a fullblood Cherokee Indian, and the name of Joe Kingfisher appears upon the 1896 Cherokee census roll, Tahlequah District, opposite number 3319.

The names of Jennie Cloud and Joe Kingfisher appear upon the 1896 Cherokee census roll as Jennie and Joseph Terrapan, and under these names they were also listed for enrollment on June 30, 1902, from information furnished by one Emmet Starr on Cherokee roll card field number D 3146. Neither Arch Cloud nor his wife, Jennie Cloud, have ever appeared before the Commission or Commissioner to the Five Civilized Tribes in the matter of their enrollment. On account of the apparent duplicate enlistment for enrollment the case of Jennie Cloud and Joe Kingfisher was referred to a field party of the Commission operating in the Cherokee Nation, and a note was put upon the face of Cherokee card 7713 to the effect that Jennie Cloud and Joe Kingfisher were also listed for enrollment upon another enrollment card under the names of Jennie and Joseph Terrapan.

This office has since that date been furnished with the affidavits of two persons to the effect that Joe Kingfisher died on September 1, 1903. On March 3, 1905, Andy Dick, administrator for the estate of the said Joe Kingfisher, deceased, appeared at the Cherokee Land Office and made a tentative selection in allotment of land in the Cherokee Nation described as follows:

Homestead:
NE/4 of the SW/4;
SE/4 of the NW/4 of the SW/4
of Section 20,
Township 20 north, Range 20 east.

Allotment exclusive of homestead:
NW/4 of the NE/4 of the NE/4;
NE/4 of the NW/4 of the SE/4;
S/2 of the NE/4 of the SE/4
of Section 19;
W/2 of the NW/4 of the SW/4;
NW/4 of the SE/4 of the SW/4
of Section 20;
NE/4 of the SW/4 of the SE/4;
NW/4 of the SE/4 of the SE/4
of Section 2, all in Township 20
north, Range 20 east.

This selection of allotment has been held as the prospective allotment of the said Joe Kingfisher, deceased, and it still appears as such upon the records of the Cherokee Land Office.

The names of neither of these persons was placed upon the final roll of citizens by blood of the Cherokee Nation, probably due to the fact of the duplicate enlistment, and the further fact that they had never appeared before this office for examination as to their

rights.

On October 3, 1900, application was made to the Commission for the enrollment as citizens by blood of the Cherokee Nation of Martha Grazier and her six minor children, Homer M., Elmer, Luther, Ora, Alice and Bertha Grazier, and the names of these persons were listed on Cherokee roll card field number 4079. Their names were subsequently placed upon the roll of citizens by blood of the Cherokee Nation opposite numbers 9840 to 9846, inclusive, which enrollment was approved by the Secretary of the Interior. Thereafter application was made for the enrollment of Viola Grazier, a minor child of Homer M. Grazier, above referred to, and Dora Grazier, a non-citizen. The name of the child, Viola Grazier, was not placed upon the final roll at the time of the enrollment of her father, Homer M. Grazier, for the reason that this office required evidence of the marriage of the parents of said applicant, her mother being a non-citizen. However, on April 11, 1903, the father of the said Viola Grazier appeared at the Cherokee Land office of the Commission at Vinita, Indian Territory, and was permitted to make tentative selection in allotment of landin the Cherokee Nation described as

follows:

Homestead:
N/2 of the NE/4 of the NW/4;
SE/4 of the NE/4 of the NW/4
of Section 14, Township 27 north, Range 22 east.

Allotment exclusive of homestead:
SE/4 of NW/4;
SW/4 of the NE/4 of the NW/4
of Section 14, Township 27 north, Range 22 east.

This land has since been held as the prospective allotment of the said Viola Grazier.

The said Homer M. and Dora Grazier have two other children, Joseph and Homer M. Grazier, who were born subsequent to September 1, 1902, and evidence of their marriage having been furnished this office, on February 20, 1907, a decision was rendered by the Commissioner holding that Viola Grazier was entitled to enrollment as a citizen by blood of the Cherokee Nation under the Act of Congress approved June 28, 1898 (30 Stats., 495), and that the other two children, Joseph and Homer M. Grazier, were entitled to enrollment as citizens by blood of the Cherokee Nation under the provisions of Section 2 of the Act of Congress approved April 26, 1906 (34 Stats.,137). No protest being filed by the attorney for the Cherokee Nation against the decision of the Commissioner in this case, the names of the two children, Joseph and Homer M. Grazier, were placed upon the roll of minor citizens of the Cherokee Nation

under the Act of April 26, 1906, which was approved by the Secretary of the Interior on March 4, 1907, but the name of Viola Grazier, who was also found entitled to enrollment by the decision of the Commissioner of February 20th, above referred to, was not placed upon the roll schedule of citizens by blood of the Cherokee Nation enrolled under the Acts of June 28, 1898, and July 1, 1902, and her name therefore does not appear upon the final roll of citizens of the Cherokee Nation, although it would appear that she was clearly entitled to such enrollment.

On June 24, 1902, Henry Nougin appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of one Maggie Beamer as a citizen by blood of the Cherokee Nation. The name of this child was accordingly listed upon Cherokee roll card field No. 9365. It was stated in said application that this child was a fullblood Cherokee Indian eight years of age, that her father was alive but confined in jail at Muskogee, Indian Territory, and that her mother was dead. The name of the child was identified upon the 1896 Cherokee census roll, Tahlequah District, number 319.

Thereafter information came to the Commission that this child was dead at the time application was made for her enrollment, and a letter was addressed to Henry Nougin on January 23, 1906,

asking for information in regard to this matter and for proof of the death of said child, if in fact she was dead. On February 9, 1905, a reply was received from the said Henry Neugin to the effect that Maggie Beamer was not dead at that time, that she lived within a mile and a half of himself, and that he had seen her since the receipt of the letter of the commission.

The application for the enrollment of this child, however, was not acted upon, and her name does not appear upon the final roll of citizens by blood of the Cherokee Nation, although from the information in the possession of this office it would appear that on and prior to March 4, 1907, she was entitled to such enrollment.

On November 20, 1900, Jim Wolfe appeared before the Commission to the Five Civilized Tribes at Chelsea, Indian Territory, and made application for the enrollment of himself as a citizen of the Cherokee Nation. He claimed to be a fullblood Shawnee Indian, forty-one years of age at the time of his initial appearance. His name was listed upon Cherokee roll card field number 10991, and on June 20, 1901, the Commission refused the application for the enrollment of the said Jim Wolfe, which decision was affirmed by the Department on September 24, 1901. Thereafter on April 20, 1903,

this office having identified Jim Wolfe on the Cherokee Shawnee payroll of 1896, the Department was requested to remand said case for reconsideration, and on November 27, 1903 (I.T.D. 8304-1903), the Department rescinded its action in confirming the decision of the Commission, and returned said case for readjudication. On February 21, 1907, after further hearing had been had in said case, the Commissioner to the Five Civilized Tribes held that the said Jim Wolfe was entitled to enrollment as a citizen of the Cherokee Nation of Shawnee blood, and his application for enrollment as such was accordingly granted. Notice of this decision was served on the attorney for the Cherokee Nation and the other parties interested, and on the same day the attorney for the Cherokee Nation waived protest and consented that said applicant's name might be placed upon a schedule for transmission to the Department immediately.

Opposite the name of Jim Wolfe as it appears on Cherokee roll card field number 10991 appears in lead pencil the number 32890. This number evidently refers to the schedule number to be given said citizen , and was the first step in the preparation of schedules. For some reason, however, the name of Jim Wolfe was not placed upon the schedule of citizens of the Cherokee Nation, and the name of another individual appears upon the final roll after number 32890.

How this omission occurred I am unable to state, but the case of this applicant was apparently overlooked during the rush incident to the closing of the rolls and at a time when the roll schedules were being prepared by an employee of this office in Washington.

On August 16, 1900, Emily A. Springwater appeared before the Commission at Muldrow, Indian Territory, and made application for the enrollment of herself and her minor child, Eli Springwater, as citizens of the Cherokee Nation, she claiming for herself as an intermarried citizen and for her child as a citizen by blood. At that time the child was about ten years old, and his name was not identified upon any roll of Cherokee citizens in the possession of the Commission. Further hearing was had in this matter at the office of the Commissioner in Muskogee, Indian Territory, on March 29, 1906, at which time the testimony of Emily Springwater and her minor child, Eli Springwater, at that time sixteen years of age, was taken.

It appears from the record in this case that the applicant, Emily A. Springwater, claims her right to enrollment as an intermarried citizen of the Cherokee Nation by reason of her alleged marriage in the year 1888 or 1899 to one Johnson Springwater,

a citizen by blood of the Cherokee Nation, with whom she lived three years, and by whom she claims to have had one child, the applicant, Eli Springwater, born to her on November 6, 1899. There is on file in this case no evidence of the marriage of the applicant, Emily A. Springwater, to her alleged Cherokee husband, Johnson Springwater, other than her uncorroborated testimony, nor has this office been able to identify the names of either of these applicants upon any tribal roll of citizens of the Cherokee Nation in its possession.

Prior to the closing of the rolls on March 4, 1907, this office endeavored on numerous occasions to secure additional evidence showing the rights of these parties to enrollment as Cherokee citizens, as it was considered that the record as presented was too unsatisfactory upon which to enroll said applicants. No further evidence was submitted and no decision was rendered in this case on or prior to March 4th last. This case is listed upon the records of this office as Cherokee memorandum case number 200. It is clear that Emily A. Springwater has no right to enrollment as a citizen by intermarriage of the Cherokee Nation, but it is possible that Eli Springwater was entitled to enrollment as a citizen by blood.

On June 19, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Boling McKinney

and his four minor children, Maudie Lee, Lillie Bell, Chloe and Cleo McKinney, as Choctaw freedmen, and on March 10, 1903, written application was filed for the enrollment of Gilbert McKinney as a Choctaw freedman, he being the child of the said Boling McKinney. On February 26, 1907, the Commissioner rendered his opinion holding that the persons above named were not entitled to enrollment as Choctaw freedmen and denying their said application. On the same day the parties interested were advised thereof and the record was transmitted to the Department for consideration and action.

On February 27, 1907, Hon. Green McCurtain, Principal Chief of the Choctaw Nation, was in the office of the Commissioner at Muskogee and stated that he knew sufficient facts to warrant the enrollment of the said Boling McKinney and his family as Choctaw freedmen. Accordingly, the testimony of Mr. McCurtain was taken on that day. Mr. McCurtain at that time testified in regard to the rights of Boling McKinney and his four minor children, and no mention is made of Gilbert McKinney or his right to enrollment. On the same date a letter was directed to the Department by this office transmitting a copy of the testimony given by Principal Chief McCurtain and recommending that the decision of the Commissioner of February 26, 1907, denying the application for the enrollment of Boling McKinney and his four minor children, Maudie Lee, Lillie Bell,

Chloe and Cleo McKinney, as Choctaw freedmen, be rescinded and that they be enrolled as Choctaw freedmen under the provisions of the Act of Congress approved June 28, 1898, and July 1, 1902.

There was also transmitted a schedule containing the names of the persons last above named for approval by the Department in the event the recommendation of the Commissioner was adopted. Such action was taken by the Department and the names of Boling McKinney and his four minor children appear upon the final roll of Choctaw freedmen approved by the Secretary of the Interior on March 4, 1907, opposite numbers 5536 to 5540, inclusive. Gilbert McKinney has never been enrolled, although it would appear from the record now at hand that he was as much entitled to enrollment as the other members of his family.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

Muskogee, Indian Territory, June 29, 1907.

John Secondyne,

White Oak, Indian Territory.

Dear Sir:

I am in receipt of your letter of recent date relative to the matter of the enrollment of James Wolfe, alleged to be a full blood Shawnee Indian as a citizen of the Cherokee Nation, and asking in regard to the selection of an allotment in his behalf.

In reply you are advised that through inadvertence the name of James Wolfe was omitted from the final roll of citizens of the Cherokee Nation and for this reason he cannot at this time select an allotment in the Cherokee Nation. This matter has been fully reported to the Department , and when this office receives further advice thereon, he will be duly notified.

Respectfully,

Commissioner.

Muskogee, Indian Territory, November 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

June 26, 1907, former Commissioner Tully called to the attention of the Department certain enrollment cases that were brought to his attention after March 4, 1907, in which it appeared that the applicants were probably entitled to enrollment but were not placed upon the final rolls of the tribes of which they were members, and that in view of Section 2 of the Act of Congress of April 26, 1906, there was no existing law under which they could obtain relief.

July 23, 1907 (I.T. 59715-1907), the Acting Commissioner of Indian Affairs in reporting in the matter, stated:

> "It appears from the Commissioner's letter that the parties mentioned by him are entitled to enrollment and that for various reasons their names were not placed on the roll. As it appears to be thoroughly established that they are as much entitled to enrollment as any of the citizens of the tribes to which they belong, and as there is no existing law by which they can be enrolled, it is recommended that the list be preserved and that the Commissioner to the Five Civilized Tribes be requested to investigate further similar cases to the end that relief may be afforded to all such persons by a special act of Congress, authorizing the placing of their names on the rolls of citizens of the nations to which they belong."

This recommendation was approved by the Secretary of the Interior July 25, 1907.

The question of the advisability of requesting congressional action with a view to affording relief to certain persons not enrolled as members of the Five Civilized Tribes, through fault of

their own or otherwise, was again discussed in the Cherokee case of Alta May Brassfield. The Commissioner of Indian Affairs on August 21, 1907 (I. T. 69588-1907), forwarded this office, for report, a letter from John Brassfield, and on September 10, 1907 (I.T. 73379-1907), in transmitting the report of this office of August 30, 1907, stated:

> "In cases such as the Brassfield, the Mitchell Adams, and a few others that have come to the notice of the Office, where the parties were not enrolled through no fault of their own, but through error of Government Officers, Congress should be requested to enact legislation authorizing their enrollment, and their names should be inserted in the law as was done by Section 9 of the Act of June 30, 1902 (32 Stat. L., 500), in the cases of Ner-wal-le-pe-se, Mary, Walter and Willie Washington, citizens of the Creek Nation.
>
> It is recommended that the Office be authorized to advise the Commissioner to the Five Civilized Tribes as herein indicated, and request him to prepare a list giving the names of the persons whom his record show were legally entitled to enrollment and were omitted through oversight on the part of the Government, in order that the subject may be presented to Congress with a view to protecting their interests."

This recommendation was approved by the Secretary of the Interior September 11, 1907.

In accordance with these instructions I have investigated the records in the citizenship cases in the different Tribes and respectfully submit the following cases which I believe come within the purview of the Department's instructions, to-wit:

CHEROKEES BY BLOOD.

ACT OF JULY 1, 1902 (32 STAT., 716).

Jennie Cloud,
Joe Kingfisher, case No. 7713.

Jennie Cloud, who is a full blood Cherokee Indian, is a daughter of Nelce Crittenden and Ka-lo-nuskee; she was born in the Cherokee Nation about 33 years ago, and has continuously resided therein since her birth to the present time; her name is identified upon the 1880 Cherokee tribal roll, Goingsnake district, at No. 456, as Sinthy Critdenten, and upon the 1894 Cherokee pay roll, Goingsnake district, at No. 664, as Jennie Kingfisher.

Joe Kingfisher, born about 1892, is a son of said Jennie Cloud and one Josiah Kingfisher, whose name appears opposite No. 18653 on the approved roll of Cherokee citizens, being enrolled as a fullblood. Said Joe Kingfisher resided in the Cherokee Nation continuously from his birth until his death, which occurred in 1903 or 1904.
The application for the enrollment of Jennie Cloud and Joe Kingfisher was made April 15, 1902, but their case was, through an oversight, never passed upon.

Viola Grasier, case No. 4079.

Viola Grasier was born August 26, 1902, and is a child of Homer M. Grasier, whose name appears upon the approved roll of citizens by blood of the Cherokee Nation, opposite No. 9841, being enrolled as a three-eighths Indian, and one Dora Grasier, a non citizen of the Cherokee Nation. The application for her enrollment was made October 3, 1902, and on February 20, 1907, the former Commissioner rendered his decision ordering her enrolled as a citizen by blood of the Cherokee Nation. No protest against her enrollment was filed by the attorney for the Cherokee Nation, but through oversight she was not placed upon a schedule of Cherokee citizens and forwarded for departmental approval.

Maggie Beamer, case no. 9365.

Application for the enrollment of Maggie Beamer was made June 24, 1902; she is a fullblood Indian about thirteen re fourteen years of age, a daughter of Sam Beamer, whose name appears opposite No. 18962 upon the approved

roll of citizens by blood of the Cherokee Nation, and one Lydia Beamer, nee Wesley, a Cherokee, who died about twelve years ago. Maggie Beamer is identified upon the 1896 Cherokee tribal roll, Tahlequah district, at No. 319, and has continuously resided in the Cherokee Nation from the time of her birth until the present time. The case of this child was not, through inadvertance, passed upon prior to the closing of the Cherokee roll.

Jim Wolfe, case No. 10991.

This applicant, who is a fullblood Indian, made application for enrollment November 20, 1900, as a citizen by blood of the Cherokee Nation, his age being given at that time as 41 years. June 20, 1901, the Commissioner to the Five Civilized Tribes refused his application for enrollment in accordance with the provisions of the Act of May 31, 1900 (31 Stat., 221), and on September 24, 1901, said decision was approved by the Department. On November 27, 1903 (I. T. D. 8304-1903), on request of the Commission, the Department rescinded its decision and returned the case for readjudication. Further proceedings were had in the case September 21, 1904, and October 30, 1905. On February 21, 1907, the Commissioner rendered his decision ordering Jim Wolfe enrolled as a citizen of the Cherokee Nation of Shawnee blood. The attorney for the Cherokee Nation entered no protest against the enrollment of Jim Wolfe, but through inadvertance his name was not placed upon a schedule of Cherokee citizens and forwarded to the Department for approval.

Eli Springwater, case No. Mems. 200.

Application for the enrollment of this applicant was made August 16, 1900. Emily A. Springwater, his mother, is a white woman and alleges that she was married to Johnson Springwater, the father of Eli Springwater, in 1868 or 1869, and that they lived together for about three years. Other than her uncorroberated testimony, there is no evidence of the marriage of herself and Springwater, but from the information received it appears that they lived together for about three years: That the child, Eli Springwater, was born while they were living together;

that he was recognized in the community as their child, and also by his putative father, Johnson Springwater. The name of Eli Springwater cannot be identified upon any of the tribal rolls of the Cherokee Nation in the possession of this office. Johnson Springwater is identified upon the 1880 Cherokee tribal roll, Sequoyah district, at No. 1213, and his name appears upon the approved roll of citizens by blood of the Cherokee Nation opposite No. 25726.

Commissioner Bixby in his letter of June 28, 1907, fully advised the Department in reference to the above cases, and as to the probable cause of their being overlooked.

Alta May Brassfield, case No. 6415.

Alta May Brassfield was born June 15, 1902, and is a daughter of John Brassfield, whose name appears opposite No. 15360 upon the approved roll of citizens by blood of the Cherokee Nation, and his wife, Mary Brassfield, a non citizen white woman. The first application made to the Commission to the Five Civilized Tribes was received September 1, 1904, too late, under the provisions of Section 30 of the Act of July 1, 1902, to be considered. The Act of April 26, 1906 (34 Stat., 137), extended the time for the reception of applications for enrollment to December 1, 1905, but the application for the enrollment of Alta May Brassfield, which was retained in the files of the Commission, was not discovered after the passage of the Act of April 26, until subsequent to March 4, 1907, and her case was not passed upon prior to the closing of the tribal rolls on March 4, 1907. Said child is living at the present time.

CHEROKEE FREEDMEN NEW BORN.

ACT OF APRIL 26, 1906 (34 STAT., 137).

Lucy Scott, New Born case No. 542.
Application was received May 31, 1906, for the enrollment under the Act of April 26, 1906, of Lucy Scott, born September 21, 1903, a child of Jim Scott, a noncitizen of the Cherokee Nation, and Mary Scott, whose name appears

upon the approved roll of Cherokee Freedmen opposite No. 3722. This child was living March 4, 1906. When this application was first received Lucy Scott was listed for enrollment on Cherokee new born card No. 2757, instead of a Cherokee freedmen new born card, it being recited in the application for the child's enrollment that its mother, Mary Scott, was "a citizen by birth of the Cherokee Nation." On February 7, 1907, Commissioner Bixby ordered the transfer of the name of Lucy Scott from the Cherokee new born case to a Cherokee Freedmen new born case, it being found that the mother was enrolled as a Cherokee freedmen. It appears that no further action was taken looking toward the enrollment of Lucy Scott until March 4, 1907, when Mr. Bixby wired the Department as follows:

"From evidence now in my office it appears that minor Cherokee freedman applicant Lucy Scott, is minor child of Mary Scott, Cherokee freedman roll number thirty-seven twenty-two, was born September twenty-one nineteen hundred three, living March four nineteen hundred six, made application within time limited by Act April twenty-six nineteen hundred six and has been listed on card number five forty-two. I recommend that said applicant, Lucy Scott be placed on minor Cherokee Freedman Roll and approved."

Fearing that the telegram would reach the Department too late, the Commissioner wired his employe then in Washington, calling his attention to the telegram, which was quoted him, in order to secure, if possible, the enrollment of this child. March 8, 1907 (I.T.D. 8200-1907), the Acting Secretary of the Interior notified the Commissioner that said telegram was not received in the Secretary's office until March 5, 1907, and that no further action could be taken.

CREEKS BY BLOOD.

ACTS OF MARCH 1, 1901 (31 Stat., 861),
AND JUNE 30, 1902 (32 Stat., 500).

Chimhoker Mully,
Mitchely "
Barney "
Simon " case. No. I-3172.

April 26, 1907, Chimhoker Mully appeared before the Commissioner to the Five Civilized Tribes and gave testimony in connection with the right to enrollment as citizens by blood of the Creek Nation of herself and children, Mitchely, Barney and Simon Mully, all fullblood Creek Indians. It developed that Chimhoker Mully was identified upon the 1895 Creek pay roll, Ketchapataka Town, as Chimhoka, but that her enrollment upon said roll had previously been accepted, through error, as that of one Wattey Yahola, whose name appears upon the approved roll of Creek Indians opposite No. 2416. It was also found that her children above named, who are also identified on said roll, were listed for enrollment by the Commission to the Five Civilized Tribes on May 23, 1901, as Mitchell, Barney and Simon Miker, and that on February 20, 1907, the Commissioner dismissed the application for their enrollment, no information having been received to show whether or not they were living and entitled to enrollment on April 1, 1899. The names of these persons also appear upon the 1890 authenticated roll of citizens by blood of the Creek Nation on page 133, Ketchapatka Town, as Chimarhokee, Majaila, Parma and Sarma. The evidence shows that these people lived continuously all of their lives in the Cherokee Nation (among a band of Creek Indians who settled in the Cherokee Nation about the time of the outbreak of the civil war), and that they have never been enrolled or recognized as citizens of any tribe of Indians other than the Creek.

ACT OF APRIL 26, 1906, (34 STAT., 137).

Sallie Foster, Creek NB No.370.

June 19, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of Sallie Foster, born January 17, 1905, as a citizen by blood of the Creek Nation under the Act of April 26, 1906.

Said Sallie Foster is a child of Noah Foster, whose name was identified upon the approved roll of Creek Indians opposite No. 477, and Jennatta Foster. February 27, 1907, the Commissioner rendered his decision denying the application for the enrollment of said child for the reason that sufficient information was not secured to determine whether or not said Jennatta Foster was a Creek citizen, or whether or not she and Noah Foster were married Said decision was, on that date, forwarded to the Department. March 4, 1907, the parents of this child appeared before the Commissioner and gave testimony in the matter of its enrollment, from which it was found that the child's mother is enrolled upon the approved roll of Creek citizens opposite No. 3907, as Jenette Johnson, and on that da the Commissioner wired the Department as follows:

> "Referring to Creek New Born case of Sallie Foster transmitted on February twenty seven, nineteen hundred seven, together with decision denying for insufficient evidence, the parents of said child have this evening appeared and from their testimony mother is identified as Jennette Johnson opposite Creek Indian Roll No. thirtynine hundred seven. I therefore recommend that name of said Sallie Foster be this day placed upon Creek New Born Schedule and approved. Child one year old. Sex female, blood full, card No. three hundred seventy."

Fearing that the telegram would reach the Department too late, the Commissioner wired his employe then in Washington, calling his attention to the telegram, which was quoted him, in order to secure, if possible, the enrollment of this child. The telegram probably not having reached the Department until after March 4, 1907, the Department, on that date (I.T.D. 7830-1907), affirmed the Commissioner's decision.

Robert Bullocks, Creek Freedmen New Born.

The mother of Robert Bullocks is Serena Bullocks, who, with her other children, Bessie Harris, Minnie Vincent and Lou Willie Bullocks, were first enrolled as Chickasaw freedmen, opposite Nos. 1693, 1694, 1695 and 1700, respectively, upon a schedule of Chickasaw freedmen approved by the Department December 12, 1902. The name of Robert Bullocks appears upon a schedule of Chickasaw freedmen approved by the Department October 15, 1903, opposite No. 4318. Serena Bullocks having elected to have herself

and children enrolled as Creek freedmen, Commissioner Bixby transmitted to the Department on October 28, 1905, the record of proceedings had in the matter of their application for enrollment as Creek freedmen, and expressing the opinion that they were clearly entitled to enrollment as Creek Freedmen, recommended that their enrollment as Chickasaw freedmen be cancelled, and stated that when such action was taken "a decision enrolling them as Creek freedmen will be rendered." He also stated that there was, at the time of his report, no authority of law for the enrollment of the minor child, Robert Bullocks, as a citizen of the Creek Nation, and recommended that his enrollment as No. 4318 upon the final roll of Chickasaw freedmen be permitted to stand. Forwarding the report to the Department on September 14, 1906, (Land 89437-1906), the Commissioner of Indian Affairs concurred in the recommendation of Commissioner Bixby. October 31, 1906, (I.T.D. 75878-1906), the Department remanded the case to the Commissioner for readjudication in accordance with the law existing at that time. January 21, 1907, the Commissioner again forwarded the record to the Department and concluded his report as follows:

"I the said Robert Bullocks was living March 4, 1906, then he is a person entitled to make application for enrollment under the provisions of said Section (2 of Act of April 26, 1906), and in my opinion his application made August 22, 1902, should be considered as a continuing application requiring action thereon in the light of said Section 2 of the Act of April 26, 1906 .....

I have therefore notified the mother of said Robert Bullocks, who is a minor, that if she desires the said Robert Bullocks to be enrolled as a Creek freedman, it is imperative that she immediately furnish proof that he was living March 4, 1906. In the event that such proof is furnished, I will prepare and transmit a decision similar to the decision transmitted herewith, containing an order cancelling his enrollment as a Chickasaw freedman, and will also transmit with said decision a separate schedule containing the name of Robert Bullocks.

In the event such proof is not furnished, and he is not enrolled as a Creek freedman, his enrollment as a Chickasaw freedman should, of course, be allowed to stand.

In forwarding the report to the Department the Indian Office, on February 21, 1907, (Land 9086-1907), concurred in the recommendation of the Commissioner, and on February 27, 1907 (I. T. D. 4732-1907), the Department approved the

enrollment of Serena Bullocks, Bessie Harris, Minnie Vincent and Louis Willie Bullocks as Creek freedmen, and granted authority for the cancellation of their names from the roll of Chickasaw freedmen. Their names appear upon the final roll of Creek freedmen opposite Nos. 5694 to 5697, inclusive.

From affidavits executed by Serena Bullocks February 8, 1907, and Mary Bullocks February 9, 1907, it is shown that said Robert Bullocks was born September 19, 1901, and was living on March 4, 1906. These affidavits apparently reached the Commissioner too late to report the case to the Department and secure the enrollment of this child as a Creek freedman now born and have his name stricken from the Chickasaw freedman roll. Before this child is enrolled as a citizen of the Creek Nation, proper authority should be secured for the cancellation of his name at No. 4318, from the approved roll of Chickasaw freedmen. No application for the selection of an allotment of land in the Choctaw or Chickasaw Nation for said Robert Bullocks has been made.

MISSISSIPPI CHOCTAWS.

ACTS OF JUNE 28, 1898 (30 STAT., 495),
AND JULY 1, 1902 (32 Stat., 641).

Maggie Nickey, (now John),

Billy Nickey,
Sam Nickey,
Bettie Russell Nickey,
Mollie Hass Nickey.

These applicants were embraced in the Mississippi Choctaw application of Nancy Nickey made at Meridan, Mississippi, April 25, 1901, for the identification of herself and said children, and also for her child, Lizzie Nickey, who died in the year 1901, as Mississippi Choctaws. Said Nancy Nickey was identified as a fullblood Mississippi Choctaw May 17, 1904. September 13, 1904, the Commission to the Five Civilized Tribes denied the identification as fullblood Mississippi Choctaws of the above named children, and said decision was approved by the

Department December 13, 1904 (I. T. D. 12338-1904).

January 12, 1907 (I. T. D. [illegible]-1907), the Department ordered a rehearing in the matter of the application of Maggie Nickey, and on March 4, 1907, Commissioner Tibbs wired the Department as follows:

> "Referring to Departmental letter of January fifth, ninet en seven (I. T. D. eighty-two- nineteen seven), ordering rehearing in application of Maggie Nickey, now Maggie John, for identification as Mississippi Choctaw, sufficient evidence has been received by me today to identify t is applicant as fullblood Mississippi Choctaw, and such action has accordingly been taken on this date by me. Sufficient evidence is also on file with this office showing bona fide settlement within Choctaw-Chickasaw Country. Recommend that her name be placed on schedule of identified Mississippi Choctaws and also on final roll of Mississippi Choctaws and approved by you today. Maggie Nickey is twenty years old, removed to Choctaw-Chickasaw Country in February nineteen hundred three, and submitted proof of settlement on February fifth, nineteen seven. Her name appears on Mississippi Choctaw card number nine hundred seventeen."

March 13, 1907 (I. T.D. 4210-1907), the Department advised the Commissioner that as the telegram was not received until March 5, 1907, "it is not considered that the Department has not the authority to place said Maggie Nickey, or Maggie John, upon the roll of Mississippi Choctaws."

On March 4, 1907, the Commissioner rendered his decision refusing the application of Lizzie Nickey for identification, she having dies too soon to be entitled to such identification, and granted the application for the identification of said Maggie, Billy, Sam, Bettie, Russell and Mollie Mass Nickey as fullblood Mississippi Choctaws. The Commissioner advised the Department of this action on March 6, 1907, and stated that

"Considering, however, the fact that but a few hours remained before the closing of the rolls of citizenship, no action was taken as to the notification of said parties as to their identification for the reason that the said Billy and Sam Nickey are residents of Paulding, Mississippi Bettie Russel Nickey of Rosell, Mississippi, and Mollie Mass Nickey of Sylvarena, Mississippi, and it would have

been impossible for them to have removed to and settled within the Choctaw-Chickasaw country and submitted proof thereof, as required by Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641), within time for their enrollment to have been approved by you on March 4, 1907."

March 16, 1907 (I. T. D. 8510-1907), the Department in reply to the Commissioner's letter, stated that it had no authority to further act in the case.

I believe that authority should be granted for the placing of the name of Maggie Mickey upon the final roll of Mississippi Choctaws, and that upon her compliance with the law, a final allotment of land be given her. As to the other applicants first named, I believe that a reasonable time, say six months, should be given them within which to establish a bona fide residence in the Choctaw-Chickasaw country, and that upon the proof of such settlement they be enrolled as Mississippi Choctaws, and upon their compliance with the law as related to Mississippi Choctaws, they be given final allotments of land in the Choctaw-Chickasaw country.

Clemogene Parve,
Elizabeth Parve,

On February 27, 1907, (I. T. D. 4712, 4764, 4770, 5186, 5238, 5432-1907, 1806-1906, 4224-1907), the Department reversed the decisions of the Commission, and the Commissioner to the Five Civilized Tribes, dated March 30, 1904, and December 31, 1906, respectively, rejecting the applications of Clemogene and Elizabeth Parve, among others for identification as Mississippi Choctaws, and ordered said applicants identified as such. In accordance with said decision the Commissioner, on March 2, 1907, rendered his decision identifying these applicants as fullblood Mississippi Choctaws. Said applicants were notified on March 2, 1907, of their identifications as Mississippi Choctaws and advised of what action was necessary on their part to protect their rights. It is apparent that said applicants did not have time to remove to, and make settlement in the Choctaw-Chickasaw country, and to make proof of such settlement within time to have their enrollment approved by March 4, 1907.

Sallie Charlas,
Minnie Charlas,
Bettie Charlas,
Louisa Charlas,
James Charlas,

On February 20, 1907, (I.T.D.3954-1907), the Department, in accordance with an approved opinion of the Assistant Attorney-General dated February 16, 1907, directed the Commissioner to identify the above named applicants as Mississippi Choctaw Indians. The Commissioner's decision in conformity with said direction, was rendered February 23, 1907... These applicants live in Leake County, Mississippi, and they did not have sufficient time after their identification within which to remove to and settle in the Choctaw-Chickasaw country and make proof of such settlement in time to secure their enrollment by March 4, 1907.

CHOCTAW AND CHICKASAW CITIZENS.

ACT OF JULY 1, 1902 (32 STAT., 641).

ary King, Choctaw by blood.

Application was received by the Commission to the Five Civilized Tribes on December 29, 1902, for the enrollment of Mary King, born September 17, 1902, and living September 25, 1902, who is a child of Jesse King, whose name appears upon the approved roll of Choctaw citizens opposite No. 10778, and Alice King, nee Nicholas, whose name appears opposite Choctaw roll No. 9837. This application was received too late under the Act of July 1, 1902 for the child to have been enrolled when the application for it was received.

Reius Shields,
Barney Shields, Chickasaws by blood.

Applications forthe enrollment as citizens by blood of the Chickasaw Nation were received by the Commission to the Five Civilized Tribes on December 31, 1903, for Reius Shields, born January 10, 1900, and on October 12, 1904, for Barney Shields, born October 1, 1901. These applicants are the children of Simon and Mandy Shield (Shields), whose names appear opposite Nos. 637 and 253, respectively, upon the approved roll of citizens by blood of the Chickasaw Nation, and were living September 25, 1902.

Gilbert McKinney, Choctaw freedman.

Application was received on March 10, 1903, for the enrollment of this applicant as a Choctaw freedman. He was born September 2, 1900, and was living September 25, 1902, and is the child of Boling McKinney, whose name appears opposite No. 5536 upon the approved roll of Choctaw freedmen. The enrollment of Boling McKinney with his other four minor children was approved by the Department March 4, 1907, but the applicant, Gilbert McKinney, whose case was embraced in that of his father and sisters, was not enrolled. The Commissioner advised the Department in reference to this case in his letter of June 28, 1907, here in above referred to.

Lena Dunford, Choctaw freedman.

Application was received December 26, 1902, for the enrollment of Lena Dunford, born December 10, 1895, and who was living September 25, 1902, as a Choctaw freedman. Lena Dunford is a child of Terry Dunford, whose name appears opposite No. 3405 upon the approved roll of Choctaw freedmen, and Louisa Dunford, nee Hicks, to whom Terry Dunford was married about 1891 or 1892.

Della Chester, Choctaw freedman.

December 26, 1902, there was received an application for the enrollment of Della Chester as a Choctaw freedman.

Said Della Chester was born May 1, 1902, was living September 25, 1902, and is a child of Hester Chester, whose name appears opposite No. 872 upon the approved roll of Choctaw freedmen.

Martha Ann Owens,
Henry Owens, Choctaw freedmen.

Applications were received December 29, 1902, by the Commission to the Five Civilized Tribes for the enrollment of Martha Ann Owens, born November 18, 1899, and Henry Owens, born January 26, 1902, and who were living September 25, 1902. These applicants are the minor children of Tom and Charlotte Owens, whose names appear opposite Nos. 2779 and 2780, respectively, upon the approved roll of Choctaw freedmen.

Sephus Liggins,
Roberta Liggins, Choctaw freedmen

Applications for the enrollment of these children appear to have been received at the postoffice in Muskogee Indian Territory, on December 25, 1902, and at the office of the Commission to the Five Civilized Tribes on December 26, 1902. There is, however, a note placed upon the applications for their enrollment to the effect that they were "received December 25, 1902," but the question as to whether or not they were received within the time limited by the Act of July 1, 1902, was never determined by the Commission. They are the minor children of Ella Butler, whose name appears opposite No. 727 upon the approved roll of Choctaw freedmen; they were born July 12, 1900, and April 26, 1902, respectively, and were living September 25, 1902.

The applications of the above named applicants, except that of Caroline Cole, for enrollment as citizens of the Choctaw and Chickasaw Nations appear to have been received

too late under the Act of July 1, 1902 to entitle them to enrollment under said act as citizens of said Nations. The applications were retained in the possession of the Commission, but they appear to have never received consideration, except the case of Gilbert McKinney, after the passage of the Act of April 26, 1906, extending the time for the reception of applications for enrollment to December 1, 1905, or to have been discovered between April 26, 1906, and March 4, 1907.

ACT OF APRIL 26, 1906 (34 STAT., 137).

CHOCTAW FREEDMEN NEW BORN

Si Johnson,
Charley Johnson,

Applications for the enrollment of these applicants appear to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906; they were born March 5, 1904, and May 2, 1905, respectively; were living March 4, 1906, and are children of Martin Johnson, whose name appears opposite No. 784 upon the approved roll of Choctaw freedmen, and his wife, Mary Johnson, a non citizen of said Nation. The Commissioner, on March 4, 1907, received sufficient information to show that these children were entitled to enrollment as minor Choctaw freedmen, and on that day telegraphed the Department and recommended that their names be placed upon the roll.
The telegram appears to have been received on March 5, 1907, too late for said children to be enrolled.

Emerson James.

The application for the enrollment of this applicant appears to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906. Emerson James was born April 1, 1905, was living March 4, 1906, and is a minor child of Jim and Molly James, whose names appear opposite Nos. 3444 and 3451 respectively, upon the approved roll of Choctaw freedmen. Sufficient information to show that this child was entitled to enrollment was not received until March 4, 1907, and on that day the Commissioner telegraphed the Department and recommended that said child be placed upon the final roll of minor Choctaw freedmen. Said telegram appears to have not been received until March 5, 1907, too late for said child to be enrolled.

Carl Harrison,
Brillie Harrison.

It appears that applications were filed with the Commissioner to the Five Civilized Tribes on March 5, 1906, for the enrollment of Carl and Brillie Harrison. They are the children of Brigham Y and Mary Harrison, whose names appear opposite Nos. 1953 and 3489 respectively upon the approved roll of Choctaw freedmen. They are minors, aged about four and three years respectively, and were living March 4, 1906. Sufficient information was not obtained until March 4, 1907, to determine the right of these children to enrollment, and on that day Commissioner Bixby wired the Department and recommended that their names be placed upon the approved roll of Minor Choctaw freedmen; but the telegram appears to have not been received until March 5, 1907, too late for said children to be enrolled.

Ida Bird.

Application for the enrollment of this applicant seems to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906. Ida Bird was born about June 15, 1902, was living March 4, 1906, and is the child of Sophina Hall, whose name appears opposite No. 434 upon the approved roll of Choctaw freedmen. Information from which to determine the child's right to enrollment appears not to have been received until March 4, 1907, when the Commissioner telegraphed the Department and recommended that the name of said child be placed upon the approved roll of minor Choctaw freedmen. Said telegram appears to have not been received until March 5, 1907, too late for said child to be enrolled.

Estoria Hall.

Application for the enrollment of this applicant seems to have been filed with the Commissioner to the Five Civilized Tribes on March 5, 1906. Estoria Hall was born May 2, 1900, was living March 4, 1906, and is a minor child of Thomas Hall and Malinda Hall (enrolled as Malinda Jones), whose names appear opposite Nos. 5380 and 819 respectively, upon the approved roll of Choctaw freedmen. Information from which to determine the child's right to enrollment appears not to have been received by the Commissioner until March 4, 1907, when Mr. Bixby telegraphed the Department and recommended that the name of said child be placed upon the approved roll of minor Choctaw freedmen. The telegram appears to have not been received until March 5, 1907, too late for said child to be enrolled.

Andy Butler,
Georgan Butler.

The application for the enrollment of these applicants under the provisions of the Act of April 26, 1906, was received July 25, 1906, and they were listed for enrollment on Chickasaw freedmen new born card No. 409, the application reciting that the same was made for the enrollment of the children as "freedmen of the Chickasaw Nation." February 20, 1907, the Commissioner dismissed

the application for their enrollment as Chickasaw freedmen in accordance with the approved opinion of the Assistant Attorney-General for the Interior Department dated November 15, 1906, holding that children of Chickasaw freedmen were not entitled to enrollment under the provisions of the Act of April 26, 1906.

In the caption of the application for the enrollment of these children it is recited that their father is a freedman of the Choctaw Nation, but in the affidavit of the mother as to the children's birth it is stated that their father is a citizen of the Chickasaw Nation. Andy and Georgan Butler were born October 21, 1902, and August 7, 1905, respectively, and are children of Charley Butler and Carrie Butler, whose name appears opposite No. 1716 upon the approved roll of Chickasaw freedmen. Subsequent to March 4, 1906, it was discovered that said Charley Butler is a duly enrolled Choctaw freedman, his name appearing opposite No. 2426 upon the approved roll of such citizens. Evidence of marriage on file with this office shows the lawful marriage of the parents of these children on April 19, 1900. The children were living on March 4, 1906, and were lawfully entitled to enrollment as Choctaw freedmen on March 4, 1907.

Hattie Burris,
Isaac Burris,
John Burris.

March 4, 1907, Commissioner Bixby rendered his decision granting the application for the enrollment as minor Choctaw freedmen under the Act of April 26, 1906, as amended by the Act of June 21, 1906 (34 Stat., 325), of Hattie, Isaac and John Burris. On that day the Commissioner telegraphed the Department of his action and recommended that their names be placed upon a schedule of minor Choctaw freedmen and approved by the Department. On that day he also addressed a letter to the Department confirming the telegram and transmitting the record of proceedings in the case. March 9, 1907 I.T.D. 8200-1907), the Department advised the Commissioner that his telegram was not delivered until March 5, 1907, and no further action could be taken in the case.

These children were born, Hattie April 28, 1901, Isaac December 5, 1902, and John Burris January 29, 1904, are the legitimate children of Turner Burris, whose name appears opposite No. 4870 upon the approved roll of

Choctaw freedmen, and Etta Burris, a non citizen, and were living March 4, 1906.

There is also called to the attention of the Department, for such action as it desires to take, the Mississippi Choctaw case of Mitchell C. Adams, referred to in the Indian Office letter of September 10, 1907, special reference being made to his application for the identification of his minor children.

January 13, 1906 (I.T.D.1312, 18094-1905), the Department approved the decision of the Commission to the Five Civilized Tribes dated January 19, 1905, denying the application of Mitchell C. Adams for the enrollment of himself and minor children, Lillie M., Nora M. and Mitchell C. Adams, Jr., as citizens by blood, and for the enrollment of his wife, Nannie C. Adams, as a citizen by intermarriage, of the Choctaw Nation. On March 3, 1907, Commissioner Bixby, having received a telegram dated March 2, 1907, from A. F. McGarr, who was an employe of the Commission then stationed in Washington, stating that the Department had directed the identification of Mitchell C. Adams, Lillie M. Adams, Nora M. Adams and William C. Adams (Mitchell C. Adams, Jr., died in 1898 or 1899), as Mississippi Choctaws, rendered his decision identifying them and on that day wired said employe of his compliance with

The Department's directions, and stated that as the records did not show that said persons had ever removed to and settled within the Choctaw-Chickasaw country, no action would be taken other than their identification. Subsequent to the rendition of said decision the Commissioner received the Department's decision in the case dated March 2, 1907 (I. T. D. 5748-1907), wherein the decision of the Commission of January 19, 1905, adverse to the applicants, was reversed except as to said Nannie C. Adams. This action was taken in accordance with the approved opinions of the Assistant Attorney General of February 20, 1907, and February 28, 1907. Said Mitchell C. Adams was ordered identified as a fullblood Mississippi Choctaw Indian, and in connection with the identification of Adams' Children the Department states that:

> "In the concluding paragraph of the above cited opinion recommendation is made that no action should be taken at this time looking to the enrollment of Adam's family. This recommendation is approved only to the extent that they should not now be finally enrolled as citizens.
>
> In accordance with the approved opinion of the Assistant Attorney General of February 16, 1907, in the case of the infant children of Nicholas Charlas, et-al., based on Section 2 of the act of April 26, 1906 (34 Stat., 137), the children of Mitchell C. Adams are entitled to identification as Mississippi Choctaws, if said children were minors living on March 4, 1906.
>
> It appears that when the record was made up Lillie M. Nora M. and William C. Adams were the living minor children of Mitchell C. Adams, and that Mitchell C. Adams, Jr., has since died.
>
> Accordingly you are also directed to identify Lillie M., Nora M., and William C. Adams as Mississippi Choctaws, following said opinion in the Charlas case."

Mitchell C. Adams resides at Bluefield, West Virginia, and it would have been impossible for him to have removed to and settled within the Choctaw-Chickasaw country and submitted proof of such settlement within time for his enrollment to have been approved by the Department on March 4, 1907.

The children of Mitchell C. Adams, being of the mixed blood, and no attempt being made to prove that they are the descendants of a beneficiary under the fourteenth article of the treaty of 1830, were not entitled to identification as Mississippi Choctaw Indians under the Act of July 1, 1902. It is not clear as to the right of these children under the Act of April 26, 1906, considering their case in the light of the Department's decision in the Nicholas Charlas, et al., case above referred to, and its decision of May 25, 1905 (I.T.D. 5066, 17858-1905, 9022-1906), in the Willis Willis case. Had Mitchell C. Adams, after his identification as a Mississippi Choctaw Indian, made proof of settlement within the Choctaw-Chickasaw country and been duly enrolled as a Mississippi Choctaw, and his enrollment approved by the Secretary of the Interior, his said children would have been entitled to enrollment under the Act of April 26, 1906, as amended by the Act of June 21, 1906, as the minor children of a duly enrolled Mississippi Choctaw Indian, provided they were minors living March 4, 1906.

The Commissioner's decision in this case of March 3, 1907, is inclosed; the record in the case was transmitted to the Department October 21, 1905.

The records of proceedings in a number of the above cases have been heretofore forwarded, and, with the date of the letter of transmittal, are as follows:

Sallie Foster, Creek New Born,	February 27, 1907,
Clemogene Parve, et al. Mississippi Choctaws (In consolidated case of Nancy Agleff, et al., M C R 2370).	December 21, 1906,
Gilbert McKinney, Choctaw Freedmen, (In case of Beling McKinney, et al).	February 26, 1907,
Hattie Burris, et al., Choctaw Freedmen New Born.	March 4, 1907,
Mitchell C. Adams, et al., Mississippi Choctaw.	October 21, 1905.

The records in the other cases above referred to are transmitted herewith.

Respectfully,

Commissioner.

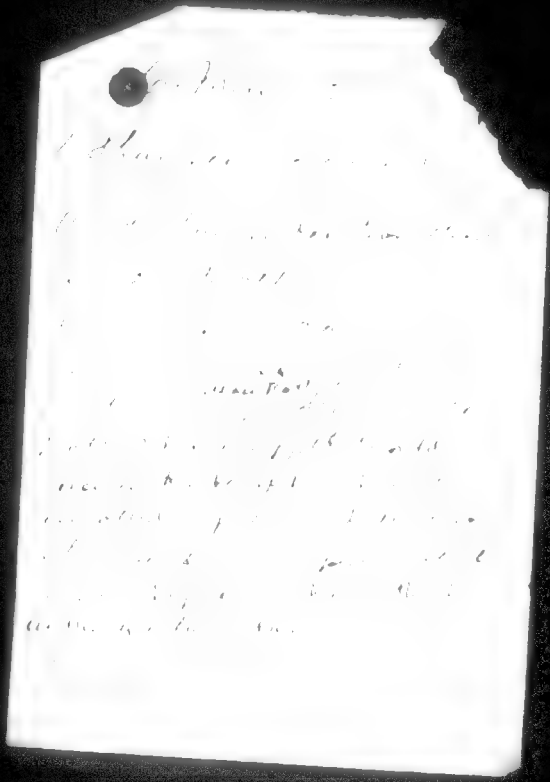
JOR(LS)

Inc. 8-35.

C.M. 215

Hold till the testimony of Julia Flint of Talala, can be secured. This party can probably give testimony that will assist in positively identifying Jim Wolfe and his mother on the Shawnee Register, if their names appear thereon.

2/15/04.



Cher 11132

Eli Springwater

No Dept. Jacket

Cher 11132



CHEROKEE
CHEROKEE
ENROLLMENT

for the [illegible].
Chairman [illegible].

APPEARANCES:
Affidavits [illegible].
[illegible], Esq., [illegible].

[illegible], in [illegible],

On behalf of [illegible]:
Q What is your name? A [illegible].
Q Is your full name [illegible]?
Q How old are you? A [illegible].
Q What is your present address [illegible]?

Are you a citizen of [illegible]?
Q Yes, are you a citizen of the United States?
Q Were you [illegible] in the United States?
A [illegible].
Q What is [illegible]?
Q How old [illegible]? A [illegible].
Q What is [illegible]?
Q Is he living, [illegible]?
Q Where does he live?
Q Is he a [illegible]?
[illegible]
Are you [illegible]?
[illegible]
[illegible]
[illegible]

Q You had heard of his being married before he was married to that woman? A I never knew he had any woman living until after we were married.
Q I mean you had heard of his having been married before? A Yes sir.
Q Now you say you and Johnson was living together when this boy was born? A Yes sir.
Q How how old is he? A He is 17 years old.
Q 17 past? A Yes sir, he will be 17 years this coming November. 6th of November.
Q Now do you know what year he was born in? A No sir, I don't know that year.
Q Now how can you calculate his age if you don't know when he was born? A The way I go by, that is just what I can remember.
Q What I am trying to get from you, are you positive that he will be 17 years old this coming November? A Yes sir.
Q Well I was trying to get from you your process of reasoning, why you are positive about it, you don't seem to know the year he was born in? A (No response)
Q Are you positive how long ago it was that you and Johnson Springwater were married? A Why it has been going on 18 years since we were married.
Q Now you said awhile ago 17, you are mistaken about that, you think it will be 18 years this coming June or July? A It was in June we were married.
Q Now this coming June or July, do you think it will be 18 or 17 years? A It will be 18 years.
Q Then you were married in 1888? A (No response).
Q How long had you been living down in Sequoyah District near Muldrew when you and Johnson Springwater were married? A I had been there about a year.
Q Where did you come from? A I come from Kansas down there.
Q Had your first husband died down there or up in Kansas? A He died after we moved down there.
Q And how long before you and Johnson were married? A It was nearly three years, would have been three years the next February.
Q I thought you said you had only been down there about a year when you and Johnson were married? A I hadn't known Johnson, hadn't heard of him.
Q I asked you how long you had been down in that neighborhood in Sequoyah District from Kansas when you were married? A I had been down there about three years.
Q How long did you and Johnson live together after this boy was born?
A Two,-- nearly two years.
Q Did he recognize this boy as his? A Yes sir.
Q Does he yet? A Yes sir.
Q This boy always go by the name of Springwater? A Yes sir.
Q What is his first name? A Eli, just Eli Springwater.
Q And has always gone by that name? A Yes sir.
Q Has Johnson Springwater got a place down there? A No sir, only the place where he lives.
Q Has he got a woman he lives with now? A Yes sir, I never have gone with her once.
Q Was anyone present when they were married [illegible] A Yes sir.
Q Who? A I don't know, it was a white man.
Q Was it at Steve Taheed's house on Lee's Creek? A Yes sir.
Q It was while he was Judge? A Yes sir.
Q According to your statement it would have been in June, is it? A Yes sir.
Q And this boy was born the following [illegible] A Yes sir.

Q Did Johnson Springwater help you [illegible] on the roll? A No sir.
Q Did you get the money? A Yes sir.
Q Can Johnson Springwater read and write? A I don't know whether he can or not.

This case was here submitted to the Commissioner to be taken by the applicants and the Attorney for the Cherokee Nation until May 3, 1906, at nine o'Clock A. M.

Geo. H. Lessle, being first duly sworn, states that he is stenographer to the Commissioner to the Five Civilized Tribes, and reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this [illegible] day of March, 1906.

[illegible]
Notary Public.

, 190[illegible].

...on August 10,1900,
...Cultivated Tribes at
...application for the enrollment
of ...mul... ...termarried, and for the enrollment
..., as citizens by blood of the Cherokee
..., and the said tribe as continuum at the time and you were
... ...commission at some future date and
... ... The records of this office fail
... ..., appeared
... ... perfecting
... ..., and you
... ... appear before the
... ... Cultivated Tribes in Muskogee,
... ..., ... U. S. ..., and
... ... prove the
... ... Cherokee

... Commissioner.

[illegible]

[illegible]

Tahlequah, Indian Territory, March 22, 1906.

[illegible]

Lone, Indian Territory.

Sir:

This office is in receipt of your letter of March 14, stating that you were a citizen of the Cherokee Nation but were not enrolled in 1880, but that you were enrolled in 1890. You give the names and addresses of several witnesses.

In reply, you are advised that it is believed your letter is in response to a communication of this office, dated March 16, 1906, addressed to Emily A. Springwater at Lone, Indian Territory, advising her in reference to her application, made on August 10, 1900, for the enrollment of herself as a citizen by intermarriage, [illegible] Eli Springwater, as a citizen [illegible] Nation, and notifying her to appear before [illegible], Indian Territory, on March 23, 1906, with her witnesses and further testimony in support of her application for the enrollment of herself and family as Cherokees by intermarriage. You were invited to appear before the [illegible] and present [illegible].

It [illegible] Eli Springwater is your [illegible] before the

Cherokee contin

No. 9.

Muskogee, Indian Territory, October 1, 1904.

A. B. Cunningham,

Executive Secretary Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

Application has been made to the Commissioner to the Five Civilized Tribes for the enrollment of Emily [illegible] Springwater as a citizen by intermarriage, and for the enrollment of her child, [illegible] Springwater, as a citizen by [illegible] of the Cherokee Nation. It is alleged that Emily [illegible] Springwater [illegible] Feb. [illegible], [illegible] Springwater, [illegible] of [illegible] and [illegible] Sequoyah district [illegible] the year 1888. It is [illegible] office [illegible] [illegible]

It [illegible]

COPY

Executive Department

[illegible]

[illegible], Indian Territory.

April 5th, 1906.

Commissioner [illegible]

[illegible], Indian Territory.

Sir:-

[illegible]

Cherokee [illegible]

No. [illegible].

A. F. [illegible],

[illegible], Indian Te[illegible].

Dear Sir:

[illegible]

[illegible]

Cherokee [illegible]

Proclaiming [illegible]

[illegible]

[illegible]

[illegible]

An Act making an appropriation for the benefit of persons entitled in the payment of the Strip funds; and found to be entitled by the revising committee of Tahlequah District.

Be it Enacted By The National Council,

That the sum of Two Hundred and Sixty Five Dollars and seventy cents, be and the same is hereby appropriated for the benefit of the following named persons herein, out of any moneys hereinafter accrued from the sale of lands west of the Arkansas River, or any other money in the Treasury belonging to the General Fund, not otherwise appropriated and the Treasurer is hereby authorized to pay said persons on the warrant of the Principal Chief, who is hereby directed to issue preferred warrants in favor of said persons to the amount of each, to-wit: $265.70.

* * * \

[illegible], [illegible], [illegible].

Honorable T. George Grigg,

Commissioner of the Northwest Territories,

[illegible], [illegible].

Sir:

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] AND MONEY
[illegible]
Request for enrollment
record of
[illegible] SPRINGWATER,
Cherokee [illegible].

September 20, 1918.

The Honorable,
The Commissioner of Indian Affairs.

Dear Mr. Commissioner:

All enrollment records of persons enrolled under provisions of the Act of Congress approved August 1, 1914, (Public No. 140) were forwarded to your Office and retained there.

Among those enrolled under the Act mentioned is Eli Springwater, Cherokee [illegible], Census Card [illegible], forwarded to your Office on October 4, 1916.

I have received an order for certified copy of the enrollment record in this case which I am unable to furnish, and I respectfully request that the record be returned in order that copies may be made for our files and to supply this order. The record will then be returned to your Office if so instructed. I believe that this office should have either the original or copies of the 1914 cases.

Respectfully,

Superintendent.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE COMMISSIONER OF INDIAN AFFAIRS

RECEIVED

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

L-C
52005-35

Mr. A. M. Landman,

Supt., Five Civilized Tribes Agency.

Dear Mr. Landman:

The receipt is acknowledged of your letter of September 20, calling attention to your previous request for the enrolment record of Eli Springwater.

Said record is inclosed herewith. Please return when it has served your purpose.

Sincerely yours,

J.M. Stewart

J.M. Stewart,
Director of Land.

Returned Oct 4, 1933

Enc. 272049

INDIAN LAND AND MONEY
LMB-10-1-1935.

Returning enrollment
record Eli Springwater,
Cherokee 33051.
L-C 62005-35

October 4,1935.

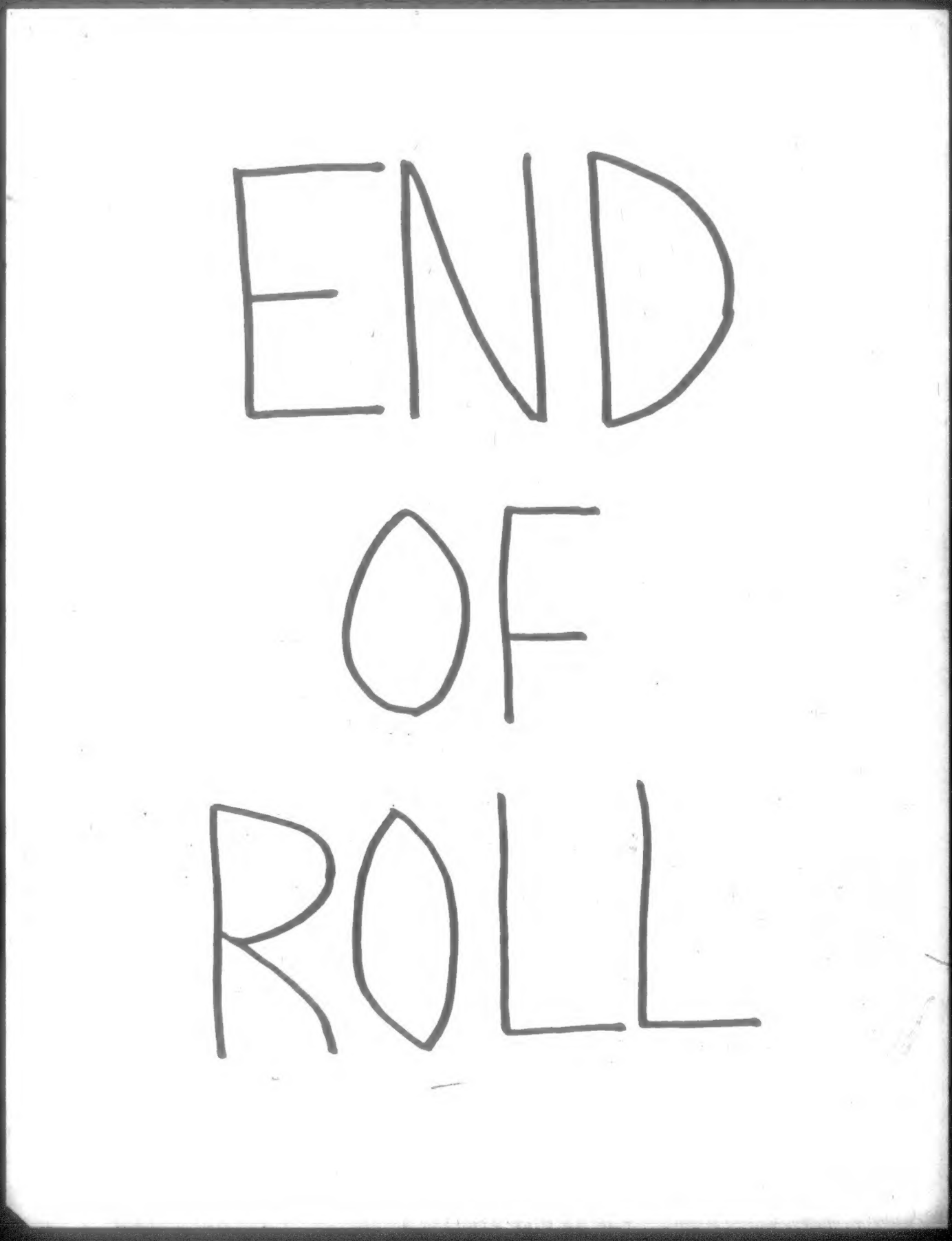
The Honorable
The Commissioner of Indian Affairs:

Dear Mr. Commissioner:

I am returning herewith the enrollment records in the case of Eli Springwater, Cherokee 33051 which were mailed to this office at my request. A photostatic copy of all the papers has been made and retained in our files.

Respectfully,

Superintendent.


END
OF
ROLL

